

Washington State Register

JULY 5, 1995

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This issue contains documents officially
filed not later than June 21, 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

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of July 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

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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.

Mary F. Gallagher Dille
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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..

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
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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

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

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

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

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].

WSR 95-13-010
PREPROPOSAL STATEMENT OF INTENT
LOWER COLUMBIA COLLEGE
 [Filed June 12, 1995, 10:28 a.m.]

Subject of Possible Rule Making: Tuition and fee refunds and waivers.

Specific Statutory Authority for New Rule: RCW 28B.50.140(13).

Reasons Why the New Rule is Needed: SSB 6002 (section 2, chapter 36, Laws of 1995) and amendment of RCW 28B.15.600 requires community colleges to adopt new rules for refunds. ESB 6285 (chapter 231, Laws of 1992) amended college tuition and fee waivers.

Goals of New Rule: Establish rules for refund for tuition and fees when a student withdraws from a college course or program after the start of instruction. Establish rules for waivers of tuition and fees.

Process for Developing New Rule: CR-101, CR-102, and public hearing.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may write to Virginia Koken, Rules Coordinator/ Executive Assistant to the President, Lower Columbia College, P.O. Box 3010, Longview, WA 98632, (360) 577-2322. All comments must be received by 5:00 p.m., July 21, 1995.

June 9, 1995
 Vernon R. Pickett
 President

WSR 95-13-016
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD
 [Filed June 12, 1995, 1:12 p.m.]

Subject of Possible Rule Making: The Washington management service rules chapter of Title 356 WAC.

Specific Statutory Authority for New Rule: RCW 41.06.500.

Reasons Why the New Rule is Needed: These revisions are necessary to bring the Washington management service rules into compliance with 1995 legislative changes and to clarify and/or adjust provisions for the Washington management service.

Goals of New Rule: To be in compliance with legislative mandated changes.

Process for Developing New Rule: Department of Personnel Washington management service rules development process, in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at rule meetings held with all interested parties. Rule proposals are submitted to the director of the Department of Personnel for adoption. Agendas and meeting notices, including notices of formal meetings for public comment, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the director, should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way

South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694.

June 9, 1995
 Dennis Karras
 Director

WSR 95-13-017
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD
 [Filed June 12, 1995, 1:13 p.m.]

Subject of Possible Rule Making: Possible rule making topics include general provisions, classification and compensation chapters of Title 251 WAC.

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: These revisions are necessary to bring Title 251 WAC into compliance with 1995 legislative changes.

Goals of New Rule: To be in compliance with legislative mandated changes.

Process for Developing New Rule: Department of Personnel rule development process, in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the Washington Personnel Resources Board meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or the Washington Personnel Resources Board meetings.

June 9, 1995
 Dennis Karras
 Secretary

WSR 95-13-018
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD
 [Filed June 12, 1995, 1:14 p.m.]

Subject of Possible Rule Making: Possible rule-making topics include general provisions, classification and compensation chapters of Title 356 WAC.

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: These revisions are necessary to bring Title 356 WAC into compliance with 1995 legislative changes.

Goals of New Rule: To be in compliance with legislative mandated changes.

Process for Developing New Rule: Department of Personnel rule development process; in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the Washington Personnel Resources Board meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or the Washington Personnel Resources Board meetings.

June 9, 1995
Dennis Karras
Secretary

WSR 95-13-019
PREPROPOSAL STATEMENT OF INTENT
BOARD FOR
VOLUNTEER FIREFIGHTERS

[Filed June 12, 1995, 1:45 p.m.]

Subject of Possible Rule Making: Setting fees for reserve officers for pension plan.

Specific Statutory Authority for New Rule: RCW 41.24.290(2).

Reasons Why the New Rule is Needed: SHB 1453, chapter 11, Laws of 1995 includes reserve officers in the pension provisions of the Volunteer Firefighters' Relief and Pension Act and a method of setting fees for participation must be adopted.

Goals of New Rule: To provide a formula for use by the State Board for Volunteer Firefighters to determine fees to be charged to reserve officers for pension membership under the Volunteer Firefighters' Relief and Pension Act, chapter 41.24 RCW.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Joe Faubion, Executive Secretary, Board for Volunteer Firefighters, P.O. Box 114, Olympia, WA 98507, FAX (360) 586-1987.

June 12, 1995
Joseph H. Faubion
Executive Secretary

WSR 95-13-020

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

[Filed June 12, 1995, 4:18 p.m.]

Subject of Possible Rule Making: WAC 388-86-005, 388-86-030, 388-86-073, 388-86-075, 388-86-090, 388-86-098, 388-500-0005, 388-503-0370, 388-518-1805, 388-518-1810, 388-518-1840, 388-519-1905, 388-521-2140, and 388-529-2950. The 1995-97 state budget includes provisions that require changes in the medically indigent program. MAA proposes changes in this state-funded program.

Specific Statutory Authority for New Rule: RCW 74.08.090 and ESHB 1410, the 1995-97 State Appropriation Act.

Reasons Why the New Rule is Needed: It is necessary to implement changes in the 1995-97 State Appropriation Act.

Goals of New Rule: Implement legislation concerning the medically indigent (LCP-MI) program. This legislation: (1) Restricts coverage under the MI program, (2) increases the emergency medical expense requirement from \$1500 to \$2000, and (3) restricts program eligibility to a maximum of three months.

Process for Developing New Rule: Agency study; and the department will conduct an internal and external review and approval process. The department will consider all comments. Effective date of the WAC will be by emergency filing July 1, 1995, as specified in the law.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager or Bobbe Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462 or (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

June 12, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-13-021
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)

[Filed June 12, 1995, 4:20 p.m.]

Subject of Possible Rule Making: Medical assistance administration is proposing rules to eliminate the state pharmacy discount program, WAC 388-91-007, 388-91-010, and 388-91-020.

Specific Statutory Authority for New Rule: RCW 74.08.090 and 1995-97 ESHB 1410, section 209(6).

Reasons Why the New Rule is Needed: To eliminate the state supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

Goals of New Rule: Amended rule will eliminate reference to the supplemental discount drug program.

Process for Developing New Rule: Agency study; and emergency WAC will be filed to eliminate the supplemental discount drug program by July 1, 1995. Internal and external review process whereby draft material is distributed for review and comment. All timely comments are taken into consideration before final rule is issued.

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.

June 12, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-13-022
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 13, 1995, 9:13 a.m.]

Specific Statutory Authority for New Rule: Chapter 49.26 RCW, Asbestos Certification Act (RCW 49.26.010) and 40 CFR, Part 763, EPA Model Accreditation Plan (Toxic Substances Control Act, Section 206 (b)(2)).

Reasons Why the New Rule is Needed: Chapter 49.26 RCW was amended in ESB 5397 to retain EPA accreditation of the Washington asbestos certification program. Chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation, has to be revised to reflect changes to chapter 49.26 RCW so asbestos certification is at least as effective as EPA requirements.

Goals of New Rule: To incorporate changes from chapter 49.26 RCW into chapter 296-65 WAC, to maintain EPA accreditation of the Washington asbestos certification program, and to incorporate rule changes into chapter 296-65 WAC that are specifically required by changes in federal regulations.

Process for Developing New Rule: The department must adopt rules identical to federal rules as required by chapter 49.26 RCW in ESB 5397.

How Interested Parties can Participate in Formulation of the New Rule: John Geppert, Asbestos Certification Program Coordinator, Safety and Health Compliance Program, Department of Labor and Industries, P.O. Box 44650, Olympia, WA 98504-4650, phone (360) 902-5431, FAX (360) 902-5438.

June 8, 1995

Mark O. Brown
Director

WSR 95-13-041
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed June 14, 1995, 4:45 p.m.]

Subject of Possible Rule Making: Vendor rate increase for community and residential long term care. Chapter 388-15 WAC, Social services for families, children and adults.

Specific Statutory Authority for New Rule: E2SHB 1410 and E2SHB 1908.

Reasons Why the New Rule is Needed: To establish rules for rates per E2SHB 1908, section 2. To implement the two percent vendor rate increase per 1995-97 budget.

Goals of New Rule: To implement new law.

Process for Developing New Rule: This rule sets new rates per the budget which gave a generic two percent increase. The rule is specific to various types of vendors; the agency has no discretion.

How Interested Parties can Participate in Formulation of the New Rule: Chore/Medicaid Personal Care Program, Lois Wusterbarth, Manager, phone (360) 493-2538; COPEs Program, Mary Lou Pearson, Manager, phone (360) 493-2536; Adult Family Homes/Congregate Care Facilities, Harry Sedies, Program Manager, phone (360) 493-2556. Address: Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, FAX (360) 438-8633.

June 14, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-13-043
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING

(Board of Registration for

Professional Engineers and Land Surveyors)

[Filed June 15, 1995, 10:30 a.m.]

Subject of Possible Rule Making: Adjust and adopt fees for professional engineers and land surveyors.

Specific Statutory Authority for New Rule: RCW 43.24.086, together with RCW 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]110, [18.43.]130, and chapter 356, Laws of 1995.

Reasons Why the New Rule is Needed: State law requires that all professional licensing programs collect sufficient revenue through fees to recover the cost of the regulatory program. Adjustments are required periodically to assure that revenue is consistent with expenditures. Additionally, chapter 356, Laws of 1995, created new fees for this program.

Goals of New Rule: Establish renewal, application and other fees sufficient to recover the cost of the program. Set new fees as required by chapter 356, Laws of 1995 (amending chapter 18.43 RCW).

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Alan E. Rathbun, PE, Executive Director, Board of Registration for Professional Engineers and Land

Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 753-3634, FAX (360) 664-2551.

June 12, 1995
M. C. Collins
Assistant Director BPD

June 14, 1995
Larry Davis
Executive Director

WSR 95-13-046
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed June 15, 1995, 11:47 a.m.]

Subject of Possible Rule Making: Editorial or clarifying amendments to WAC 180-79-062.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: Current language is ambiguous and is consequently variously interpreted.

Goals of New Rule: To add language which clarifies current policies and ensures consistent application of affected certification rules.

Process for Developing New Rule: Early solicitation of public comments and recommendation 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: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Joanne Sorensen, (360) 586-2320.

June 14, 1995
Larry Davis
Executive Director

WSR 95-13-047
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed June 15, 1995, 11:48 a.m.]

Subject of Possible Rule Making: Amendments to WAC 180-16-222 and 180-79-230.

Specific Statutory Authority for New Rule: RCW 28A.150.220(4) and 28A.410.010.

Reasons Why the New Rule is Needed: The current language restricts the use of substitute teachers by school districts.

Goals of New Rule: To allow school districts to employ substitute teachers in a manner most beneficial to each situation.

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: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Joanne Sorensen, (360) 586-2320.

WSR 95-13-048

PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed June 15, 1995, 11:50 a.m.]

Subject of Possible Rule Making: Amendments to WAC 180-78-160.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: Current WAC language is outdated.

Goals of New Rule: To update and correct WAC language.

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: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Joanne Sorensen, (360) 586-2320.

June 14, 1995
Larry Davis
Executive Director

WSR 95-13-049

PREPROPOSAL STATEMENT OF INTENT
STATE BOARD OF EDUCATION

[Filed June 15, 1995, 11:51 a.m.]

Subject of Possible Rule Making: Amendment to WAC 180-79-241.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: The internship certificate program provided for by this section will expire August 31, 1995, if this amendment does not take place.

Goals of New Rule: To extend the provision for the internship certification program in order to adequately test the process.

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: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Joanne Sorensen, (360) 586-2320.

June 14, 1995
Larry Davis
Executive Director

June 15, 1995

Judith A. Billings
Superintendent of
Public Instruction**WSR 95-13-050****PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING**

[Filed June 15, 1995, 3:03 p.m.]

Subject of Possible Rule Making: Commercial motor vehicles subject to highway inspections and terminal audits.

Specific Statutory Authority for New Rule: RCW 46.01.110 and 46.16.040.

Reasons Why the New Rule is Needed: To transcribe the identification of vehicles defined in chapter 272, Laws of 1995 into recognizable definitions used in chapter 46.16 RCW and prescribe a method for collection and distribution of fees collected on motor vehicles subject to highway inspections and terminal audits.

Goals of New Rule: Proper implementation of section 2, chapter 272, Laws of 1995.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Jack L. Lince, Contracts Manager, Title and Registration Services, Department of Licensing, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 644-0831. Comments are requested close of business August 5, 1995.

June 15, 1995

Nancy Kelly P.M.

Administrator

WSR 95-13-051**PREPROPOSAL STATEMENT OF INTENT
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 15, 1995, 3:38 p.m.]

Subject of Possible Rule Making: School bus replacement funding.

Specific Statutory Authority for New Rule: RCW 28A.160.200 and a new section added to chapter 28A.160 RCW as amended by ESSB 5408.

Reasons Why the New Rule is Needed: The existing rules are not in compliance with the 1995 legislative changes. The governor is expected to sign ESSB 5408. ESSB 5408 modifies RCW 28A.160.200 and adds a new section to chapter 28A.160 RCW requiring the Office of Superintendent of Public Instruction to establish a minimum number of school bus categories and to solicit competitive price quotes for each category from school bus dealers each year; and that state funding to replace school buses shall be based on the lowest quote in each category.

Goals of New Rule: To implement the requirements of ESSB 5408 in a timely fashion.

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: Send written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-4201, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance please contact Don Carnahan, (360) 753-0235.

WSR 95-13-052**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH**

[Filed June 15, 1995, 4:35 p.m.]

Subject of Possible Rule Making: Emergency medical services intermediate life support, WAC 246-976-010 and new sections.

Specific Statutory Authority for New Rule: RCW 18.71.200 and 18.71.205 as amended by SHB 1427.

Reasons Why the New Rule is Needed: To allow for updating the curriculum, training and certification of emergency medical services intermediate and advanced life support prehospital personnel. This updating is needed to meet national standards, changes in the industry and most importantly meet local needs. It will allow these personnel to perform prehospital life saving advanced life support interventions especially in the rural areas.

Goals of New Rule: The EMS Licensing and Certification Committee and Medical Quality Assurance Commission will assist and advise the secretary of the Department of Health to prescribe practice parameters, training standards for and levels of physician trained emergency medical ALS personnel.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Janet Griffith, Director, Office of Emergency Medical and Trauma Prevention, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6703 or 1-800-458-5281, FAX (360) 705-6706.

May 14, 1995

Bruce A. Miyahara

Secretary

WSR 95-13-059**PREPROPOSAL STATEMENT OF INTENT
LAKE WASHINGTON
TECHNICAL COLLEGE**

[Filed June 19, 1995, 10:16 a.m.]

Subject of Possible Rule Making: Tuition refund and fee calculations.

Specific Statutory Authority for New Rule: RCW 28B.50.140.

Reasons Why the New Rule is Needed: Amendment of College District 26 WAC is necessary to implement section 2, chapter 36, Laws of 1995 which amended the tuition refund and fee calculations applicable to community and technical colleges.

Goals of New Rule: To provide for minimum tuition refund or fee calculations in accordance with revised statute.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Attend public meetings of Lake Washington Technical College board of trustees on June 21, July 19, or August 9. Write to Gary Cohn, Vice-President Administrative Services, 11605 132nd Avenue Northeast, Kirkland, WA 98034, call (206) 828-5608, or FAX (206) 828-5611.

June 16, 1995
D. W. Fowler
President

there are changes needed for lake rehabilitation; obsolete gamefish rules need to be repealed.

Goals of New Rule: To clarify and simplify gamefish and food fish rules and to provide recreational opportunity.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Agency contact Bruce Crawford, Assistant Director, Fish Management Program, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2325. Contact before July 1, 1995.

June 19, 1995 [1995]
Evan S. Jacoby
Rules Coordinator

WSR 95-13-061
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 19, 1995, 1:43 p.m.]

Subject of Possible Rule Making: Change in child care WAC numbers -change in child care eligibility for two-parent households, chapter 388-290 WAC, Child care.

Specific Statutory Authority for New Rule: RCW 74.04.050.

Reasons Why the New Rule is Needed: Change in child care WAC numbers is consistent with renumbering of WAC sections for which Economic Services Administration is responsible. WAC 388-290-110(4) is revised to make it more consistent with federal requirements.

Goals of New Rule: Child care WAC numbers will be consistent with other WAC sections for which Economic Services Administration is responsible. WAC 388-290-110(4) will clarify which individuals in the assistance unit are responsible for providing care of children.

Process for Developing New Rule: Agency study; the agency conducts internal and external reviews and incorporates comments received.

How Interested Parties can Participate in Formulation of the New Rule: Dan B. Gadman, Social Services Program Manager, Division of Employment and Social Services, Economic Services Administration, 1009 College Street S.E., Lacey, WA 98504, (360) 438-8442, FAX (360) 438-8379.

June 19, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-13-064
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed June 19, 1995, 3:30 p.m.]

Subject of Possible Rule Making: Hunting and trapping rules.

Specific Statutory Authority for New Rule: RCW 77.12.040.

Reasons Why the New Rule is Needed: Waterfowl hunting and marten trapping rules do not reflect current conditions; the public has expressed interest in trophy big game hunting, eliminating use of tree switches for hound hunting, and changing permit hunt application procedures. Hunting area boundaries need adjustment.

Goals of New Rule: To amend hunting and trapping rules to provide recreational opportunity consistent with wildlife management objectives.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Agency Contact Dave Brittell, Assistant Director, Wildlife Management Program, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2504. Contact before July 1, 1995.

June 19, 1995
Evan S. Jacoby
Rules Coordinator

WSR 95-13-063
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed June 19, 1995, 3:28 p.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Specific Statutory Authority for New Rule: RCW 77.12.040, 75.08.080.

Reasons Why the New Rule is Needed: The distinction between landlocked salmon and anadromous salmon needs clarification for licensing and to reduce angler confusion;

WSR 95-13-071
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed June 20, 1995, 11:16 a.m.]

Subject of Possible Rule Making: Commercial shellfish harvest.

Specific Statutory Authority for New Rule: RCW 75.08.080 and 75.08.12 [75.08.012].

Reasons Why the New Rule is Needed: The preliminary ruling in the treaty shellfish allocation subproceeding of *United States v. Washington* holds that up to fifty percent of the shellfish harvest within the case area is to be allocated to treaty Indian fishers. The department needs to restructure its

shellfish harvest rules to accommodate both the treaty and nontreaty interests, while providing protection to the resource. Although the decision in this case affects all shellfish, the fisheries most affected are expected to be Puget Sound Dungeness crab, Puget Sound shrimp, sea urchin, sea cucumber, and geoduck clam.

Goals of New Rule: Establish allocation of shellfish fisheries consistent with the federal court ruling in this matter.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Agency Contact Phil Anderson, Assistant to the Director, 600 North Capitol Way, Olympia, WA 98501, phone (360) 902-2714. Contact before July 15, 1995.

June 20, 1995
Evan S. Jacoby
Rules Coordinator

WSR 95-13-079

PREPROPOSAL STATEMENT OF INTENT OFFICE OF THE SECRETARY OF STATE

[Filed June 20, 1995, 3:02 p.m.]

Subject of Possible Rule Making: Presidential primaries.

Specific Statutory Authority for New Rule: RCW 29.19.070.

Reasons Why the New Rule is Needed: In the 1995 session, the legislature amended several sections of chapter 29.19 RCW (presidential primary). Existing rules need to be made consistent with the new statute (chapter 20, Laws of 1995 1st. sp. sess.) and rules need to be adopted to make procedures for the primary consistent with national and state political party rules.

Goals of New Rule: To provide uniform election procedures for the administration of the presidential primary that are consistent with the amended statutes and with national and state party rules governing the nominating process.

Process for Developing New Rule: Agency study; and consultation with major political parties about requirements of national and state party rules and with county auditors about election procedures.

How Interested Parties can Participate in Formulation of the New Rule: Contact Don Whiting, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 753-7123 or by FAX (360) 586-5629; or Tim Hill, P.O. Box 40232, Olympia, WA 98504-0232, phone (360) 664-3678, or by FAX (360) 664-3657.

June 20, 1995
Donald F. Whiting
Assistant Secretary of State

WSR 95-13-081

PREPROPOSAL STATEMENT OF INTENT SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 20, 1995, 3:43 p.m.]

Subject of Possible Rule Making: Allowing carryover of learning assistance program (LAP) funds from one school year to another.

Specific Statutory Authority for New Rule: Section 519 of ESHB 1410.PL.

Reasons Why the New Rule is Needed: To amend WAC 392-122-900 General provisions—Carryover prohibition.

Goals of New Rule: To allow school districts to carryover up to ten percent of learning assistance program funds from one school year to another.

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: Send written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-4201, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Mitzi Beach or Julie Chace, 753-3220.

June 19, 1995
Judith A. Billings
Superintendent of
Public Instruction

WSR 95-13-088

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-44—Filed June 20, 1995, 4:23 p.m.]

Subject of Possible Rule Making: Amending chapter 173-351 WAC, Criteria for municipal solid waste landfills.

Specific Statutory Authority for New Rule: Authority for revising the criteria for municipal solid waste landfills is provided to the department under the Solid Waste Management Recovery and Recycling Act (chapter 70.95 RCW). RCW 70.95.060, states "the department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 43.04 [34.05] RCW, as now or hereafter amended, may adopt such minimum functional standards for solid waste handling as it deems appropriate."

Reasons Why the New Rule is Needed: The present municipal solid waste landfill standards were adopted in 1993 to comply with RCRA subtitle D regulations. As part of the EPA requirements, states were directed to apply and receive delegation of the subtitle D program by October 1993. Criteria for state submittal requesting delegation was provided through 40 CFR Part 239, the state/tribal permit program. Washington submitted its application for determination of adequacy on April 8, 1993. Review by EPA identified three areas identified as inconsistent with federal requirements, specifically: (1) Engineering equivalency demonstration; (2) field filter monitoring; and (3) definition of existing unit. Subsequently, ecology, on October 15, 1993, submitted an amended determination of adequacy

application along with a schedule to resolve the three identified areas. Ecology agreed to either resolve the remaining issues by January 15, 1995, or amend our rule to be consistent with the federal rule. On March 31, 1994, (as published in the federal register) Washington was given partial delegation. In 1994 the field filtering issue was resolved with EPA leaving the engineering equivalency and definition of existing unit unresolved. This rule amendment will address three areas: Existing unit definition; engineering equivalency demonstration; and typos or incorrect citations identified after the original rule was adopted in 1993.

Goals of New Rule: The rule amendment will bring us into compliance with RCRA subtitle D thereby allowing Washington to request full delegation of the federal subtitle D program from EPA.

Process for Developing New Rule: The draft rule language will be consistent with federal language, not more stringent. Public hearings will be held around the state. Upon completion of the public hearings process, a responsiveness summary will be prepared along with finalizing the proposed rule changes. It must be noted that the changes we are proposing already apply to Washington through RCRA subtitle D (federal rules), this proposal just makes Washington rules consistent with federal requirements.

How Interested Parties can Participate in Formulation of the New Rule: Randy Martin or Michael Sosnow, Solid Waste Services Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98503-47600, (360) 407-6136 or (360) 407-6122, FAX (360) 407-6102.

June 11, 1995

Dan Silver

Assistant Director

Waste Management Programs

WSR 95-13-089

PREPROPOSAL STATEMENT OF INTENT NOXIOUS WEED CONTROL BOARD

[Filed June 20, 1995, 4:27 p.m.]

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

Specific Statutory Authority for New Rule: Chapter 17.10 RCW.

Reasons Why the New Rule is Needed: The State Noxious Weed Control Board is charged with updating the state noxious weed list on an annual basis, to ensure that it accurately reflects noxious weed control priorities and noxious weed distribution.

Goals of New Rule: (1) To prioritize noxious weed control efforts in Washington, based on a sound prevention and early detection program; (2) to accurately reflect the distribution of noxious weeds in Washington; (3) to add new noxious weeds to the state weed list as necessary to protect Washington's resources; and (4) to remove noxious weeds from the state weed list if they no longer are a threat to Washington or if control or containment is no longer a viable goal.

Process for Developing New Rule: The State Noxious Weed Board annually solicits suggestions from county

programs, state and federal agencies, interest groups, and the general public, by an extensive mailing in May. Comments are welcome in written or oral form. The Noxious Weed Committee of the state board, which includes representation from the Native Plant Society and county weed boards, meets in July and September to receive and research suggested changes. At the end of the September meeting, a list of recommended changes is prepared for the state weed board. The state weed board considers these changes and develops a final recommendation during their board meeting. Public comment is welcome at all committee and state weed board meetings. A press release is prepared on the recommended changes and a public hearing scheduled in November. The state weed board makes their final decision after the November public hearing.

How Interested Parties can Participate in Formulation of the New Rule: Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite #211, Kent, WA 98031-7507, (206) 872-2972, FAX (206) 872-6320. Contact Laurie for information on preparing a recommended change or for meeting dates.

June 19, 1995

Laurie L. McLellan-Penders
Executive Secretary

WSR 95-13-090

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed June 21, 1995, 8:52 a.m.]

Subject of Possible Rule Making: Chapter 50-20 WAC, Washington Consumer Loan Act.

Specific Statutory Authority for New Rule: RCW 31.04.165(1).

Reasons Why the New Rule is Needed: Delete appraisal requirement and establish examination period as directed by HB 1188. In addition, chapter 50-20 WAC requires revisions for clarification.

Goals of New Rule: Compliance with HB 1188, clarification of chapter 50-20 WAC and establish fees allowed by RCW 31.04.085 and 31.04.145.

Process for Developing New Rule: Meetings with stakeholders and other interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Ed Burgert, Division of Consumer Services, P.O. Box 41202, Olympia, WA 98504-1202, phone (360) 902-8727, FAX (360) 664-2258.

June 16, 1995

John L. Bley
Director

WSR 95-13-099

PREPROPOSAL STATEMENT OF INTENT TRANSPORTATION IMPROVEMENT BOARD

[Filed June 21, 1995, 11:07 a.m.]

Specific Statutory Authority for New Rule: Chapter 269, Laws of 1995.

Reasons Why the New Rule is Needed: Due to the consolidation of the Multimodal Transportation Programs and Projects Selection Committee with the Transportation Improvement Board; and minor technical changes in existing WACs.

Goals of New Rule: To provide funding for transit agencies under the Central Puget Sound Public Transportation Account and the Public Transportation Systems Account.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Jerry M. Fay, Executive Director, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901; Omar Mehyar, (360) 705-7490; Donna Laing, (360) 705-7548; and FAX (360) 705-6830. All agencies affected will be notified by mail.

June 14, 1995

Jerry M. Fay
Executive Director

WSR 95-13-101

PREPROPOSAL STATEMENT OF INTENT INSURANCE COMMISSIONER'S OFFICE

[Order 95-5—Filed June 21, 1995, 11:17 a.m.]

Subject of Possible Rule Making: Long-term care insurance standards for: (1) Benefit triggers, (2) "activities of daily living," (3) rate stabilization, (4) automatic policy "down-grades," (5) modification of benefits or premiums, or both, for in-force policies in case of state or federal measures which result in duplication of existing coverage, (6) alternatives to institutional or community-based care, (7) disclosure requirements, and (8) inflation protection.

Specific Statutory Authority for New Rule: RCW 48.01.030, 48.02.060, 48.84.030, 48.84.050.

Reasons Why the New Rule is Needed: The rules clarify and set standards for long-term care benefits, standards, and disclosure requirements.

Goals of New Rule: The goals of the rule are to provide for minimum standards for benefits and disclosure requirements; to make it easier for applicants to compare policy forms and make an informed choice among several alternatives; to provide standards to be certain that policies sold today will provide coverage to insureds in the future even though delivery systems of health care may change during the term of the policies; to provide an automatic change in benefits if future federal or state programs provide benefits that duplicate insurance coverage; and to provide for flexibility in delivering and covering a range of health care services.

Process for Developing New Rule: Written comment is solicited. Similar rules were considered and withdrawn in 1994. This rule making will revive those rules (cross-reference R 94-31).

How Interested Parties can Participate in Formulation of the New Rule: Kacy Brandeberry, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, (206) 664-3790, FAX (260) 586-3535.

June 21, 1995
Krishna Fells
Chief of Staff

WSR 95-13-102

PREPROPOSAL STATEMENT OF INTENT INSURANCE COMMISSIONER'S OFFICE

[Order R 95-4—Filed June 21, 1995, 11:18 a.m.]

Subject of Possible Rule Making: Life and disability reinsurance agreements.

Specific Statutory Authority for New Rule: RCW 48.02.060, 48.05.250, 48.05.400.

Reasons Why the New Rule is Needed: This regulation will help stop abuses in the use of "financial reinsurance" that purports to improve insurers' balance sheets, but does not transfer risk.

Goals of New Rule: The goal is to establish minimum standards for reinsurance agreements for life and disability insurance, as a prerequisite to allowing the reinsurance to be reflected on the company's annual statement to the commissioner.

Process for Developing New Rule: Solicitation of written comments. A similar rule was proposed in 1994. This rule making revives that proposal (cross-reference to R 94-4).

How Interested Parties can Participate in Formulation of the New Rule: Kacy Brandeberry, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, (206) 664-3790, FAX (206) 586-3535.

June 21, 1995
Krishna Fells
Chief of Staff

WSR 95-13-103

PREPROPOSAL STATEMENT OF INTENT UTILITIES AND TRANSPORTATION COMMISSION

[Filed June 21, 1995, 11:25 a.m.]

Subject of Possible Rule Making: Natural gas pipeline safety, bringing state penalty provisions into conformity with existing federal penalties. Docket No. UG-950625.

Specific Statutory Authority for New Rule: RCW 80.04.130, chapter 247, Laws of 1995, and RCW 80.28.210.

Reasons Why the New Rule is Needed: Washington state must comply with federal requirements in order to retain its certification under the Natural Gas Pipeline Safety Act, 49 U.S.C. sec. 60101 et seq., to participate in the federal pipeline safety program. The commission has been out of compliance because the penalties previously provided by statute for violations are substantially lower than comparable penalties under federal regulation. Chapter 247, Laws of 1995, will allow the commission to set such penalties at levels not exceeding the comparable federal penalties as of the date the statute becomes effective (July 23, 1995). This proceeding is initiated to increase the penalties for pertinent gas safety violations to the comparable federal level, under the statutory authority, to comply with federal requirements. The commission also intends to set penalties for violations that federal regulations do not require to match the federal level, at the level of existing penalty provisions in RCW 80.28.210 in effect before the amendment becomes effective.

Goals of New Rule: To make state pipeline safety penalties consistent with federal rules in order to retain certification under the Natural Gas Pipeline Safety Act, 49

U.S.C. 60101 et seq., for continued participation in the federal pipeline safety program.

Process for Developing New Rule: Agency study; and the commission will provide notice to all regulated natural gas utilities and others whom it knows to be subject to these rules and will discuss the proposal with such persons informally.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may submit written comments to the commission, P.O. Box 47250, Olympia, WA 98504-7250. Written comments should be filed not later than the close of business July 7, 1995. Because of the limited time available for preliminary comment, commenters may also consult with commission staff (Dennis Lloyd at (360) 586-0594) and may submit comments by telefacsimile transmission to (360) 586-1150.

June 21, 1995
Gloria Papiez
for Steve McLellan
Secretary

WSR 95-13-005
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed June 8, 1995, 3:28 p.m.]

Continuance of WSR 95-10-018.

Title of Rule: Establish policy for underage admissions.
 Other Identifying Information: WAC 131-12-010.

Hearing Location: Spokane Community College District Office Board Room, North 2000 Greene Street, Spokane, WA, on June 16, 1995, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 14, 1995, TDD (360) 753-3680.

Date of Intended Adoption: June 16, 1995.

June 8, 1995
 Claire C. Krueger
 Rules Coordinator

WSR 95-13-006
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed June 8, 1995, 3:29 p.m.]

Continuance of WSR 95-10-089.

Title of Rule: Hardship withdrawals from TIAA/CREF retirement account.

Purpose: Establishes and allows hardship withdrawals for an "immediate and heavy financial need" while still actively employed.

Hearing Location: Spokane Community Colleges District Office, North 2000 Greene Street, Spokane, WA, on June 16, 1995, at 10:20 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 14, 1995, TDD (360) 753-3680.

Date of Intended Adoption: June 16, 1995.

June 8, 1995
 Claire C. Krueger
 Rules Coordinator

WSR 95-13-007
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed June 8, 1995, 3:30 p.m.]

Continuance of WSR 95-10-090.

Title of Rule: Tuition and fees.

Purpose: ESB 6285 of the 1992 legislature made changes to higher education tuition and fee waivers.

Hearing Location: Spokane Community College District Office, North 2000 Greene Street, Spokane, WA, on June 16, 1995, at 10:10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 14, 1995, TDD (360) 753-3680.

Date of Intended Adoption: June 16, 1995.

June 8, 1995
 Claire C. Krueger
 Rules Coordinator

WSR 95-13-014
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 12, 1995, 1:09 p.m.]

Continuance of WSR 95-12-071.

Title of Rule: Title 251 WAC; WAC 251-04-060 Director, 251-09-020 Work period designations, 251-17-010 Examination—Requirement—Responsibilities, 251-17-020 Promotional organizational units—Establishment, 251-17-110 Examination administration, 251-17-200 Modification of minimum qualifications, 251-19-070 Appointment—alternate, 251-19-157 Workers' compensation—Return-to-work—Program, and 251-22-040 Holidays.

Date of Intended Adoption: September 14, 1995.

June 9, 1995
 Dennis Karras
 Secretary

WSR 95-13-015
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 12, 1995, 1:10 p.m.]

Continuance of WSR 95-12-070.

Title of Rule: Title 356 WAC; WAC 356-06-100 Director—Powers—Duties, 356-18-140 Leave without pay, 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority, 356-22-070 Applications—Disqualification, 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified, 356-26-070 Certification—Registers—Order of rank—Exception, 356-26-080 Certification—Exhausted registers—Procedure, 356-26-090 Certification—Underfill, 356-30-065 Temporary appointments—From outside state service, 356-30-067 Temporary appointments from within classified service, 356-30-135 In-training appointments, and 356-30-145 Project employment.

Date of Intended Adoption: September 14, 1995.

June 9, 1995
 Dennis Karras
 Secretary

WSR 95-13-029
WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION

[Filed June 13, 1995, 2:30 p.m.]

On June 2, 1995, the Washington State Gambling Commission filed a supplemental notice in WSR 95-12-050 for WAC 230-04-400 only. With this memo, the commission withdraws WAC 230-04-400 from WSR 95-12-054.

WAC 230-04-400 will go forth under its supplemental filing in WSR 95-12-050.

Michael Aoki-Kramer
 Rules and Policy Coordinator

PROPOSED

WSR 95-13-039
PROPOSED RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Filed June 14, 1995, 11:25 a.m.]

Original Notice.

Title of Rule: Enforcement and regulatory actions for air emissions from energy facilities sited by the Energy Facility Site Evaluation Council (EFSEC).

Purpose: To update Energy Facility Site Evaluation Council's air rules to be consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act and ecology's rules.

Other Identifying Information: Revision to WAC 463-39-005, 463-39-020, 463-39-030, 463-39-090 and 463-39-120; and new sections WAC 463-39-095 and 463-39-105.

Statutory Authority for Adoption: RCW 80.50.040(1), chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.422, chapter 80.50 RCW.

Summary: These rules incorporate by reference sections from chapters 173-406 and 173-460 WAC and add sections to be consistent with ecology rules and the federal and state clean air acts.

Reasons Supporting Proposal: To update and add sections for clarity and consistency with the federal and state clean air acts.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen Fiksdal, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504, 956-2152; and Enforcement: Jason Zeller, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504, 956-2048.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Rule is necessary because of federal law, Title V of the 1990 Clean Air Amendments 40 CFR, Part 70.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes and additions will clarify the Energy Facility Site Evaluation Council's regulatory actions, particularly provisions with regard to requirements for controlling toxic air emissions and acid rain. The rules identify the fee structure for air operating permits issued under the federal Clean Air Act. The rule also identifies that permits issued by the Energy Facility Site Evaluation Council will become attachments to site permits issued and administered by the Energy Facility Site Evaluation Council.

Proposal Changes the Following Existing Rules: These changes align the Energy Facility Site Evaluation Council's enforcement actions with ecology's and bring the Energy Facility Site Evaluation Council's rules consistent with state and federal requirements for air emissions. The change outlines the way the Energy Facility Site Evaluation Council will assess fees for air operating permits by using existing fee structures developed by ecology and local air authorities. A new rule details that new major energy facilities sited by the Energy Facility Site Evaluation Council will have the air operation permits as attachments to the site certification certificate.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Because the Energy Facility Site Evaluation Council is adopting by reference ecology rules, and is using the ecology's and local

air authorities fee structures, the Energy Facility Site Evaluation Council has not prepared its own small business economic impact analysis. The small business economic impact analysis developed by ecology is available at the Energy Facility Site Evaluation Council office.

Hearing Location: Auditorium, Labor and Industries Building, 7273 Linderson Way, Tumwater, WA 98504-4400, on August 14, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Jason Zeller by August 4, 1995, TDD (360) 956-2218.

Submit Written Comments to: FAX (360) 956-2158, by August 10, 1995.

Date of Intended Adoption: August 14, 1995.

June 13, 1995

Jason Zeller

EFSEC Manager

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference.

- | | |
|------------------|---|
| WAC 173-400-030: | Definitions. |
| WAC 173-400-040: | General standards for maximum emissions. |
| WAC 173-400-050: | Emission standards for combustion and incineration units. |
| WAC 173-400-060: | Emission standards for general process units. |
| WAC 173-400-075: | Emission standards for sources emitting hazardous air pollutants. |
| WAC 173-400-081: | Startup and shutdown. |
| WAC 173-400-090: | Voluntary limits on emissions. |
| WAC 173-400-105: | Records, monitoring, and reporting. |
| WAC 173-400-107: | Excess emissions. |
| WAC 173-400-110: | New source review (NSR). |
| WAC 173-400-112: | Requirements for new sources in nonattainment areas. |
| WAC 173-400-113: | Requirements for new sources in attainment or unclassifiable areas. |
| WAC 173-400-114: | Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. |
| WAC 173-400-120: | Bubble rules. |
| WAC 173-400-131: | Issuance of emission reduction credits. |
| WAC 173-400-136: | Use of emission reduction credits. |
| WAC 173-400-141: | Prevention of significant deterioration (PSD). |
| WAC 173-400-151: | Retrofit requirements for visibility protection. |
| WAC 173-400-161: | Compliance schedules. |
| WAC 173-400-171: | Public involvement. |
| WAC 173-400-180: | Variance. |

- WAC 173-400-190: Requirements for nonattainment areas.
 WAC 173-400-200: Creditable stack height and dispersion techniques.
 WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-401 WAC by reference.

- WAC 173-401-100: Program overview.
 WAC 173-401-200: Definitions.
 WAC 173-401-300: Applicability.
 WAC 173-401-500: Permit applications.
 WAC 173-401-520: Certification.
 WAC 173-401-600: Permit content.
 WAC 173-401-605: Emission standards and limitations.
 WAC 173-401-610: Permit duration.
 WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
 WAC 173-401-620: Standard terms and conditions. Except (2)(i)
 WAC 173-401-625: Federally enforceable requirements.
 WAC 173-401-630: Compliance requirements.
 WAC 173-401-635: Temporary sources.
 WAC 173-401-640: Permit shield.
 WAC 173-401-645: Emergency provision.
 WAC 173-401-650: Operational flexibility.
 WAC 173-401-700: Action on application.
 WAC 173-401-705: Requirement for a permit.
 WAC 173-401-710: Permit renewal, revocation and expiration.
 WAC 173-401-720: Administrative permit amendments.
 WAC 173-401-722: Changes not requiring permit revisions.
 WAC 173-401-725: Permit modifications.
 WAC 173-401-730: Reopening for cause.
 WAC 173-401-750: General permits.
 WAC 173-401-800: Public involvement.
 WAC 173-401-810: EPA Review.
 WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-406 WAC by reference.

Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
WAC 173-406-101: Definitions.
WAC 173-406-102: Measurements, abbreviations, and acronyms.
WAC 173-406-103: Applicability.
WAC 173-406-104: New units exemption.
WAC 173-406-105: Retired units exemption.
WAC 173-406-106: Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated Representative.
WAC 173-406-201: Submissions.
WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
WAC 173-406-301: Requirement to apply.
WAC 173-406-302: Information requirements for acid rain permit applications.
WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
WAC 173-406-401: General.
WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
WAC 173-406-501: Contents.
WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
WAC 173-406-601: General.
WAC 173-406-602: Completeness.
WAC 173-406-603: Statement of basis.
WAC 173-406-604: Issuance of acid rain permits.
WAC 173-406-605: Acid rain permit appeal procedures.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
WAC 173-406-701: General.
WAC 173-406-702: Permit modifications.
WAC 173-406-703: Fast-track modifications.
WAC 173-406-704: Administrative permit amendment.
WAC 173-406-705: Automatic permit amendment.
WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.
WAC 173-406-801: Annual compliance certification report.
WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-460 WAC by reference.

- WAC 173-460-010: Purpose.

<u>WAC 173-460-020:</u>	<u>Definitions.</u>
<u>WAC 173-460-030:</u>	<u>Requirements, applicability and exemptions.</u>
<u>WAC 173-460-040:</u>	<u>New source review.</u>
<u>WAC 173-460-050:</u>	<u>Requirement to quantify emissions.</u>
<u>WAC 173-460-060:</u>	<u>Control technology requirements.</u>
<u>WAC 173-460-070:</u>	<u>Ambient impact requirement.</u>
<u>WAC 173-460-080:</u>	<u>Demonstrating ambient impact compliance.</u>
<u>WAC 173-460-090:</u>	<u>Second tier analysis.</u>
<u>WAC 173-460-100:</u>	<u>Request for risk management decision.</u>
<u>WAC 173-460-110:</u>	<u>Acceptable source impact levels.</u>
<u>WAC 173-460-120:</u>	<u>Scientific review and amendment of acceptable source impact levels and lists.</u>
<u>WAC 173-460-130:</u>	<u>Fees.</u>
<u>WAC 173-460-140:</u>	<u>Remedies.</u>
<u>WAC 173-460-150:</u>	<u>Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.</u>
<u>WAC 173-460-160:</u>	<u>Class B toxic air pollutants and acceptable source impact levels.</u>

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

WAC 463-39-020 Applicability. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the energy facility site evaluation council. The provisions of this chapter shall not apply to those facilities incorporated by reference in chapters 173-400 ((and)), 173-401, 173-406, and 173-460 WAC which are not under the jurisdiction of the energy facility site evaluation council.

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

WAC 463-39-030 Additional definitions. (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030 ((and)), 173-401-200, 173-406-101, "ecology" and "authority" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-090 Permit application form. (1) Applications for air operating permits shall be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510.

(2) Applications for permits under chapter 173-406 WAC shall be on form(s) developed by the department of ecology.

NEW SECTION

WAC 463-39-095 Permit issuance. Permit(s) issued for air emissions in accordance with chapters 173-400, 173-401, 173-406, and 173-460 WAC shall become an attachment(s) to a site certification agreement. For new energy facilities the permit(s) shall be effective upon the governor's approval and execution of the site certification agreement.

NEW SECTION

WAC 463-39-105 Fees. (1) Holders of air operating permits issued to major energy facilities in accordance with RCW 70.04.422 shall be assessed annual fees to recover the costs associated with program development, monitoring, compliance, and administration of the air operating permit program.

(2) All fees recovered under the air operating permit program shall be deposited in the state air pollution control account.

(3) The council shall determine and assess fees for air operating permits based on the following:

(a) Sources which are located in counties having a local air authority shall be assessed fees based upon the fee structure set by that local air authority.

(b) Sources which are located in counties not having a local air authority, or are cogeneration facilities which provide steam and/or electricity to primary industries such as the aluminum or pulp and paper mills, shall be assessed fees based upon the fee structure set by the department of ecology.

(c) Radioactive emissions sources shall be assessed fees consistent with the department of health fee structure.

(d) Department of ecology air operating permit program administration costs shall be charged to all sources under council jurisdiction.

(e) The council shall recover its actual costs for program administration as provided in WAC 463-58-050.

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

WAC 463-39-120 Monitoring and special report. The department of ecology or its designee shall conduct a surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants in accordance with the requirements of chapters 173-400 ((and)), 173-401, 173-406, and 173-460 WAC.

As a part of this program, the director of the department of ecology or an authorized representative of the director may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

WSR 95-13-042

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed June 15, 1995, 9:32 a.m.]

Original Notice.

Title of Rule: WAC 314-16-060 Curb service prohibited—Prohibits drive-in or curbside liquor sales.

Purpose: To prohibit persons driving up to a window and obtaining liquor.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The existing regulation prohibits someone from having liquor service by driving into a licensee's business and obtaining liquor from a drive-in operation.

Reasons Supporting Proposal: The proposal would allow the board to approve of pass-through windows for walk-up customers who wanted to purchase beer and/or wine from E and/or F licensees. The customer would be visible to the clerk, would have displayed sobriety and ID could be easily verified.

Name of Agency Personnel Responsible for Drafting: Chuck Dalrymple, Licensing Services, 1025 East Union, Olympia, (206) 753-6259; Implementation: David Goyette, Assistant Director Reg. Ser., 1025 East Union, Olympia, (206) 753-2724; and Enforcement: Gary Gilbert, Assistant Director Enforcement, 1025 East Union, Olympia, (206) 586-3052.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to prevent persons from purchasing liquor at a licensed premises without ever being viewed by the person selling the product thus preventing detection of apparent signs of intoxication, underage buyer, etc. The amendatory language would permit the board to approve pass-through windows for walk-up customers. The walk-up customer's sobriety could be observed, ID could be checked and integrity of the sale maintained. The seller's security would be enhanced as the system would most probably be installed in high crime areas where sales after dark could be dangerous.

Proposal Changes the Following Existing Rules: The proposed language allows the board to authorized pass-through windows for the sale of beer and/or wine in original packages. This allows the seller to view the potential buyer, verify sobriety and still have enhanced security.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The change does not require any licensee to make adjustments to his or her business, rather, it allows for a licensee to seek approval for a pass-through window in order to enhance security for clerks when selling beer or wine to walk-up customers. There is no financial impact to licensees unless they opt to install such facilities for their own security reasons.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, Capital Plaza Building, 1025 East Union, Olympia, WA, on July 26, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD by July 25, 1995, TDD (800) 833-6388.

Submit Written Comments to: Public Information Office, Attn: Carter Mitchell, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by July 25, 1995.

Date of Intended Adoption: August 2, 1995.

June 14, 1995
Joe McGavick
Chair

AMENDATORY SECTION (Amending Order 87, Resolution No. 96, filed 10/14/81)

WAC 314-16-060 Curb service prohibited. No retail liquor licensee, or employee thereof, shall provide, furnish, sell, or supply liquor by means of "drive-in" and/or "curb service." The board may approve a pass-through window for walk-up customers for the sale of beer and/or wine in original packages.

WSR 95-13-062
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed June 19, 1995, 3:25 p.m.]

Continuance of WSR 95-10-105.

Title of Rule: Commercial fishing rules.

Purpose: To continue proposal for later adoption.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Coastal harbor salmon net seasons.

Reasons Supporting Proposal: Available salmon.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Natural Resources Building, Olympia, 902-2930; Implementation: Bruce Crawford, Natural Resources Building, Olympia, 902-2325; and Enforcement: Dayna Matthews, Natural Resources Building, Olympia, 902-2927.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Set coastal harbor salmon net seasons to harvest available salmon.

Proposal Changes the Following Existing Rules: Sets new seasons.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This proposal does not affect ten percent of the businesses in any one three-digit industrial classification nor twenty percent of all small businesses.

Date of Intended Adoption: June 19, 1995.

June 14, 1995
Evan Jacoby
Rules Coordinator

WSR 95-13-066
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed June 20, 1995, 8:35 a.m.]

Original Notice.

Title of Rule: Add, amend, and repeal sections of chapter 458-30 WAC, Property tax—Current use rules. New sections WAC 458-30-232 Application for timber land classification, 458-30-242 Application for farm and agricultural conservation land classification, 458-30-267 Valuation procedures for open space and timber land, 458-30-317

Principal residence of farm operator or housing for farm and agricultural employees, 458-30-360 Correction of erroneous classification or reclassification and 458-30-525 Notification of final assessment roll; repealing WAC 458-30-235 Granting authority response and 458-30-290 Additional tax—Withdrawal; and amending WAC 458-30-200 Definitions, 458-30-205 Department of Revenue—Duties, 458-30-210 Classified lands, 458-30-215 Application process, 458-30-220 Application fee, 458-30-225 Assessor to respond to farm and agricultural classification applications, 458-30-230 Legislative authority to act on open space and timber land applications, 458-30-240 Agreement execution, 458-30-245 Recording of documents, 458-30-250 Denial and appeal, 458-30-255 Determination of value, 458-30-260 Valuation procedures and standards, 458-30-265 Valuation cycle, 458-30-270 Income and expense data, 458-30-275 Continuing classification—Sale or transfer of ownership of classified land, 458-30-280 Notice to withdraw from classification, 458-30-285 Withdrawal from classification, 458-30-295 Removal of classification, 458-30-300 Additional tax—Removal, 458-30-305 Additional tax—Date due, 458-30-310 County recording authority—Duties, 458-30-315 County financial authority—Duties, 458-30-320 Assessment and tax rolls, 458-30-325 Transfers between classifications, 458-30-330 Rating system, 458-30-335 Rating system—Establishment, 458-30-340 Rating system—Loss of qualification, 458-30-345 Advisory committee, 458-30-350 Reclassification, 458-30-355 Agreement may be abrogated by legislature, 458-30-500 Definitions, 458-30-510 Creation of district—Protest—Final assessment roll, 458-30-520 Notification of district—Certification by assessor—Estimate by district, 458-30-530 Notification of owner, 458-30-540 Waiver, 458-30-550 Exemption—Removal, 458-30-560 Partial assessment—Computation, 458-30-570 Connection subsequent to final assessment roll—Interest—Connection charge, and 458-30-580 Rate of inflation—When published—Calculation.

Purpose: To implement statutory changes that resulted from the 1992 legislative session. To clarify language and provide information on the open space taxation program to interested taxpayers and county officials. To repeal unnecessary and duplicative rules.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.34.141, and 84.34.360.

Statute Being Implemented: Chapter 84.34 RCW.

Summary: The rules implement the statutes of the Open Space Taxation Act, chapter 84.34 RCW. This act was substantially amended during the 1992 legislative session and the rules corresponding to the amended statutes are the principal subject of this rule making. The rules discuss the operation and administration of the open space taxation program.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: William Rice, 6004 Capital Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: During the 1992 legislative session the Open Space

Taxation Act was substantially amended. Therefore, the rules correlating to the amended statutes must be revised to reflect current law. A majority of the proposed rules will implement these statutory changes. Also, as a result of the 1992 legislative changes, chapter 458-30 WAC was reviewed in its entirety and it was determined that a number of rules not directly impacted by the 1992 legislative changes needed to [be] simplified and clarified. WAC 458-30-235 and 458-30-290 are not needed at this time and must be repealed to avoid confusing county personnel and landowners. If these two sections are not repealed duplicative information will be contained in multiple rules in chapter 458-30 WAC.

Proposal Changes the Following Existing Rules: Existing rules of chapter 458-30 WAC are being revised to implement the changes mandated by the 1992 legislature, to simplify and clarify language, to add an introductory section that will identify the scope and purpose of each rule, to add examples, to provide information omitted from prior versions of the rules, and to repeal unnecessary and duplicative rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Department of Revenue has reviewed the administrative provisions of this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reasons: (1) The changes to these rules are made to conform to mandates of the legislature and the department is given no discretionary latitude; and (2) the department is not aware of any new or additional administrative responsibilities placed on a business as a result of these rules.

Hearing Location: General Administration Building, Revenue Conference Room 402, 210 11th and Columbia Street, Olympia, WA, on July 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format contact Sandra Yuen by July 13, 1995, TTY 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by July 27, 1995.

Date of Intended Adoption: August 15, 1995.

June 20, 1995

Linda Lethlean

Deputy Assistant Director
Property Tax

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-200 Definitions. (1) Introduction. This section provides definitions for the terms used throughout chapter 458-30 WAC. The terms listed in this section are intended to act in concert with each other as appropriate, and with other definitions as they appear in the several sections of this chapter. ~~((When a term appears in a section, reference is to be made to the definition listed within this section, or the section that defines the term.~~

~~(1) "Act" means the Open Space Taxation Act, chapter 84.34 RCW.)~~

(2) Definitions. For purposes of chapter 458-30 WAC, the following definitions apply:

~~((a))~~ "Additional tax" means the tax (and interest) that will be collected when classification is withdrawn or removed from land that is classified according to the provisions of chapter 84.34 RCW.

~~((3))~~ (b) "Affidavit" means the real estate excise tax affidavit required by chapter 82.45 RCW and chapter 458-61 WAC. See WAC 458-30-275 for a more detailed definition.

~~((4))~~ (c) "Agreement" means an (open space taxation) agreement executed between an owner and the granting authority (approving) regarding the classification of land (according to the act) in accordance with chapter 84.34 RCW. (The term also includes an approved application for the farm and agricultural land classification.

~~((5))~~ (d) "Applicant" means the owner who submits an application for classification of land (according to the act) in accordance with chapter 84.34 RCW.

~~((6))~~ (e) "Application" means an application for classification of land (according to the act) in accordance with chapter 84.34 RCW.

~~((7))~~ (f) "Approval" means a determination by the granting authority (or assessor) that the land qualifies for classification under (the act) chapter 84.34 RCW.

~~((8))~~ (g) "Appurtenance" refers to something used with, and related to or dependent upon another thing; that is, something that belongs to something else, an adjunct. The thing appurtenant is strictly necessary and essential to the proper use and enjoyment of the land, as well as useful or necessary for carrying out the purposes for which the land was classified under chapter 84.34 RCW.

(i) In terms of farm and agricultural land, an appurtenance is something used for a particular sort of farm and the thing is widely and routinely used in the operation of the commercial agricultural enterprise.

(ii) For example, an appurtenance may be an outhouse, barn, tool shed, garden, or orchard attached to or adjoining a dwelling or it may be equipment used for a particular purpose or task, such as tools, instruments, or clothing.

~~((h))~~ "Aquaculture" means the growing and harvesting (for commercial agricultural purposes,) of marine or fresh water flora or fauna in a soil or water medium for commercial agricultural purposes.

~~((9))~~ (i) "Assessor" means the county assessor or (such) any agency or person who is authorized to act on behalf of the assessor.

~~((10))~~ (j) "Assessment year" means the year when the property is listed and valued by the assessor and precedes the year when the tax is due and payable.

~~((11))~~ (k) "Change in use" means direct action taken by (the) an owner that actually changes the use of, or has started changing the use of, classified land to a use that is not in compliance with the conditions of the agreement executed between the owner and the granting authority (or) to a use that is otherwise not in compliance with the provisions of (the act, and this) chapter 84.34 RCW.

~~((12))~~ (l) "Classified land" means a parcel(s) of land that has been approved by the appropriate granting authority for taxation under (the act) chapter 84.34 RCW.

~~((13))~~ (m) "Commercial agricultural purposes" means the use of land on a continuous and regular basis, prior to and subsequent to application for classification, (which use demonstrates an intent of an owner or lessee) that demonstrates that the owner or lessee intends to obtain through

lawful means, a monetary profit from cash income received by:

~~((a))~~ (i) Raising, harvesting, and selling lawful crops;
~~((b))~~ (ii) Feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;

~~((e))~~ (iii) Dairying or selling of dairy products;

~~((d))~~ (iv) Animal husbandry;

~~((e))~~ (v) Aquaculture;

~~((f))~~ (vi) Horticulture; or

~~((g))~~ (vii) Participating in a government-funded crop reduction or acreage set-aside program; or

(viii) Cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such trees.

~~((14))~~ (n) "Contiguous" means (land that adjoins other land when such lands are held by the same ownership. If such a parcel of land is divided by a public road, railroad, public right of way, or waterway, but is otherwise an integral part of a farming operation, it shall be considered contiguous) land that adjoins other land that is owned by the same owner or under the same ownership. Land that is an integral part of a farming operation is considered contiguous even though the land may be separated by a public road, railroad, right of way, or waterway.

~~((15))~~ (o) "County financial authority" and "financial authority" mean the county treasurer or any (other) agency or person charged with the responsibility (for) of billing and collecting property taxes.

~~((16))~~ (p) "County legislative authority" means the county commission, council, or other county legislative body.

~~((17))~~ (q) "County recording authority" means the county auditor or any agency or person charged with the recording of documents.

~~((18))~~ (r) "Current" and "currently" means as of the date on which property is to be listed and valued by the assessor.

~~((19))~~ (s) "Current use value" means the taxable value of a parcel of land placed on the assessment rolls following classification under the provisions of chapter 84.34 RCW.

~~((20))~~ (t) "Department" means the department of revenue.

~~((21))~~ (u) "Farm woodlot" means (a land area that is more than five acres but less than twenty acres and upon which trees are grown and cut for the use of the owner. Such land area is included within a parcel(s) of classified farm and agricultural land, is valued as such, and is compatible with lawful commercial agricultural purposes. The total area of such lands shall not exceed twenty acres of the parcel(s) of land described in the application for classification) an area of land within a parcel(s) of classified farm and agricultural land that is used in a manner compatible with commercial agricultural purposes including, but not limited to, the growing and cutting of trees for the use of the owner or the sheltering of livestock.

~~((22))~~ (v) "Granting authority" means the appropriate agency or official who acts on an application for classification (according to the act) in accordance with the provisions of chapter 84.34 RCW.

~~((23))~~ (w) "Gross income" means cash income derived from commercial agricultural purposes, including payments received from the United States Department of Agriculture for ~~((participation))~~ participating in ~~((any))~~ a crop reduction or acreage set-aside program when such payments are based on the productive capacity of the land. The term shall not include the following:

~~((a))~~ (i) The value of ~~((the owner's or lessee's own consumption of))~~ any ~~((of the))~~ products ~~((that are))~~ produced on the land and consumed by the owner or lessee;

~~((b))~~ (ii) Cash income from leases~~((or))~~ for the use of the land for other than commercial agricultural purposes; or

~~((c))~~ (iii) Payments for soil conservation programs.

~~((24))~~ (x) "Incidental use" means a use of land classified as farm and agricultural land that is compatible with commercial agricultural purposes if it does not exceed twenty percent of the classified land. An incidental use may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand.

(y) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes.

(z) "Net cash rental" means the earning or productive capacity of farm and agricultural land less ~~((those))~~ the production costs customarily or typically paid by ~~((the owner))~~ an owner or landlord. See WAC 458-30-260 for a more detailed explanation.

~~((25))~~ (aa) "Owner" means ~~((the))~~:

(i) Any person(s) having a fee interest in a parcel of land, except when the land is subject to a real estate contract; and

(ii) The vendee when the land is subject to a real estate contract~~((; or both spouses when a marital community is the owner))~~.

~~((26))~~ (bb) "Parcel of land" means a property identified as such on the assessment roll. ~~((However,))~~ For purposes of ~~((the act))~~ chapter 84.34 RCW and this WAC chapter, a parcel shall not include any land area not owned by the applicant ~~((or owner,))~~ including, but not limited to, a public road~~((s and))~~, right~~((s))~~ of way, railroad~~((s))~~, ~~((and))~~ or waterway~~((s))~~.

~~((27))~~ (cc) "Penalty" means an amount due when land is removed from classification in accordance with chapter 84.34 RCW. The amount of the penalty is equal to twenty percent of the additional tax ~~((that is added to said tax when classification is removed from the land by the assessor according to the act))~~ and applicable interest calculated according to the provisions of RCW 84.34.108.

~~((28))~~ (dd) "Planning authority" means the local government agency empowered by the appropriate legislative authority to develop policies and proposals relating to land use.

~~((29))~~ (ee) "Primary use" means the existing use of a parcel or parcels of land ~~((such that in considering the characteristic use of that land,))~~ so prevalent that when the characteristic use of the land is evaluated a conflicting or nonrelated use is limited or excluded.

~~((30))~~ (ff) "Qualification of land" means the approval of an application for classification of land by the granting authority in accordance with the provisions of chapter 84.34 RCW.

~~((31))~~ (gg) "Rating system" means a public benefit rating system adopted for the open space classification according to RCW 84.34.055.

~~((32))~~ (hh) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(ii) "Sale of ownership" means the conveyance of the ownership of a parcel of land in exchange for a valuable consideration.

~~((33))~~ (ij) "Tax year" means the year when ~~((a))~~ property tax is due and payable.

~~((34))~~ (kk) "Timber management plan" means the plan filed with the county legislative authority that details an owner's plan regarding the management of classified timber land including, but not limited to, the planting, growing and/or harvesting of forest crops.

(ll) "Transfer" means the conveyance of the ownership of a parcel of land without an exchange of valuable consideration.

~~((35))~~ (mm) "True and fair value" is the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use ~~((value))~~. The term also refers to market value, that is, the amount of money a willing, but not obligated to buy, purchaser would pay a willing, but not obligated to sell, owner for the property.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-205 Department of revenue—Duties.

(1) **Introduction.** This section explains the duties assigned to the department of revenue in order to implement and administer chapter 84.34 RCW.

(2) **General authority.** The department shall maintain general administrative authority to assure that ~~((the act and this))~~ chapter ~~((are))~~ 84.34 RCW is effectively and equitably applied throughout the state. Accordingly, the department, upon request, shall provide all reasonable assistance to the granting authorities relating to the administration of ~~((the act and this))~~ chapter 84.34 RCW.

(3) **Forms.** The department shall design all application and other administrative forms necessary under ~~((the act and this))~~ chapter ~~((for the))~~ 84.34 RCW, except those forms necessary for the rating system. Forms relating to the rating system shall be designed by the granting authority. Granting authorities ~~((to prepare and))~~ shall provide all forms to applicants ~~((for))~~ who seek classification~~((, except those forms necessary for the rating system))~~ under chapter 84.34 RCW.

(4) **Training.** The department shall provide the guidelines and necessary training to assessors and county boards of equalization ~~((for administration of the act and this))~~ so that they may administer chapter 84.34 RCW. Members of the advisory committee and members of any granting

authority may attend the training sessions provided by ~~(this section)~~ the department.

(5) **Wheat and barley prices.** The department shall annually issue by December 31, by whatever means it deems suitable, a five-year average of wheat and barley prices for use by the assessor in the following assessment year.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-210 ~~((Classified lands))~~ **Classification of land under chapter 84.34 RCW.** (1) **Introduction.** Under chapter 84.34 RCW, land may be placed into one of three classifications on the basis of its current use. This section explains and describes each classification of land as defined in RCW 84.34.020.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Farm employee or farm and agricultural employee" means an individual who is employed on farm and agricultural land on a full time basis or a seasonal or migratory worker who works on farm and agricultural land only during the planting, growing, and/or harvesting seasons. The term also includes an individual who is employed at least twenty-five hours per week on farm and agricultural land. It does not include a person who is employed full time by a business activity that is not conducted on classified farm and agricultural land and who only works occasional weekends or during the harvest season on classified farm and agricultural land.

(b) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes. For purposes of this section, the residence of the farm operator or owner and/or housing for farm employees must be the place(s) from which the farmer conducts his/her commercial agricultural business.

(3) **Open space land.** Land classified ~~((under the act shall be placed under one of three classifications defined as: (4)))~~ as "open space land" means one of the following:

(a) Any parcel(s) of land so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly ~~((-or))~~.

(b) Any parcel(s) of land, whereby preservation in its present use would either:

(i) Conserve and enhance natural or scenic resources; ~~((or))~~

(ii) Protect streams or water supply; ~~((or))~~

(iii) Promote conservation of soils, wetlands, beaches, or tidal marshes; ~~((or))~~.

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations or sanctuaries, or other open spaces; ~~((or))~~

(v) Enhance public recreation opportunities; ~~((or))~~

(vi) Preserve historic sites; ~~((or))~~

(vii) Preserve visual quality along a highway, road, or street corridor, or scenic vistas;

(viii) Retain in its natural state, tracts of land of not less than ~~((five))~~ one acre ~~((or))~~ in size situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority ~~((-or (2)))~~; or

(ix) Any parcel(s) of farm and agricultural conservation land. Farm and agricultural conservation land means either:

(A) Land previously classified as farm and agricultural land that no longer meets the criteria of farm and agricultural land and is reclassified as "open space land"; or

(B) Traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture.

(4) **Farm and agricultural land.** Land classified as "farm and agricultural land" means ~~((either))~~ one of the following:

(a) ~~((A))~~ Any parcel of land twenty ~~((acres))~~ or more acres in size or multiple parcels of land that are contiguous ~~((parcels of land which, when taken together are))~~ and total twenty or more acres in size ~~((, the primary use of which is for commercial agricultural purposes))~~ when the land is:

(i) Primarily used to produce livestock or agricultural products for commercial purposes; ~~((or))~~

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

(iii) Primarily used in similar commercial agricultural activities as may be established by rule.

(b) Any parcel of land or contiguous parcels of land ~~((which, when taken together are))~~ at least five acres ~~((or more in size))~~, but less than twenty acres, in size ~~((, the primary use of which is))~~ that is primarily used for commercial agricultural purposes, and ~~((which produced))~~ produces a gross income each year ~~((that averaged))~~ equal to:

(i) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(ii) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(c) Any parcel of land or contiguous parcels of land ~~((which, when taken together are))~~ less than five acres in size ~~((, the primary use of which))~~ that is primarily used for commercial agricultural purposes, and ~~((which produced))~~ produces a gross income ~~((or))~~ each year equal to:

(i) One thousand dollars or more in cash ~~((each))~~ per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(ii) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(d) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified pursuant to RCW 84.34.020 (2)(a) is situated if:

(i) The housing or residence is on or contiguous to the classified parcel; and

(ii) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes. (See WAC 458-30-317.)

(e) Farm and agricultural land also includes:

(i) ~~((Farm woodlots that are more than five acres in size but less than twenty acres in size;~~

~~((ii)) Land on which appurtenances necessary for ~~((commercial agricultural purposes exist))~~ the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the ~~((lands))~~ land(s) producing agricultural products, ~~((including such appurtenances))~~ such as a machinery maintenance shed or a shipping facility;~~

~~((ii)) Land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land. An incidental use of classified farm and agricultural land may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand; and~~

~~((iii)) Any noncontiguous parcel of land from one to five acres in size ~~((, otherwise constituting))~~ that constitutes an integral part of the commercial agricultural ~~((purpose))~~ operations of ~~((the))~~ a parcel classified as farm and agricultural land under ~~((the act; and~~~~

~~((iv)) The land area used as a homesite in connection with commercial agricultural purposes shall be included within the total acreage of the parcel(s) granted classification. However, such homesite shall be valued pursuant to the provisions of WAC 458-30-260(5)) RCW 84.34.020(2).~~

~~((3))~~ **(5) Timber land.** Land classified as "timber land" means~~((:~~

~~A)) any parcel of land five ~~((acres))~~ or more acres in size or multiple parcels of land that are contiguous ~~((parcels of land which, when taken together are))~~ and total five or more acres in size ~~((, devoted primarily to))~~ that is primarily used for the commercial growth and ~~((harvest))~~ harvesting of forest crops ~~((, but)).~~~~

~~(a) Timber land refers only to the land.~~

~~(b) A timber management plan shall be filed with the county legislative authority when:~~

~~(i) An application for classification as timber land is submitted pursuant to chapter 84.34 RCW; or~~

~~(ii) A sale or transfer of timber land occurs and a notice of classification continuance is signed.~~

~~(c) Timber land does not include:~~

~~(i) Land listed on the assessment roll as classified or designated forest land according to chapter 84.33 RCW ~~((and does not include the)); or~~~~

~~(ii) Land on which nonforest crops or any improvements to the land are ~~((sited))~~ located.~~

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-215 Application process. (1) Introduction. This section explains the general application procedures of classification of land under chapter 84.34 RCW including where to obtain an application and the information that must accompany an application for classification or reclassification.

(2) Availability of forms. The assessor and the county legislative authority shall make available application forms for classification or reclassification and shall supply them upon request.

~~(a) The assessor and the county legislative authority shall provide the appropriate forms, ~~((prepare))~~ informational materials ~~(including, but not limited to, copies of chapter 84.34 RCW and chapter 458-30 WAC), and ~~((provide))~~ reasonable assistance to an owner who submits an application for classification or reclassification of land ~~((according to the act))~~ under chapter 84.34 RCW. ~~((Should))~~~~~~

~~(b) If the county legislative authority adopts a public benefit rating system for the open space classification, it shall prepare the appropriate forms ~~((and)),~~ provide informational materials, and ~~provide~~ assistance to ~~((prospective))~~ applicants.~~

(3) The applicant. The applicant shall be the owner of the land described on the application.

(4) If land is purchased or transferred while application is pending. In the event a parcel is conveyed while approval of a timely filed application is pending, the purchaser or transferee shall, upon written request to the granting authority, be given the same consideration as ~~((if that party was))~~ the original applicant; in all aspects of the application process the purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. However, except for the application fee, the granting authority shall require the purchaser or transferee to satisfy all requirements that otherwise would have been required in accordance with the original application.

~~((Application for classification as farm and agricultural land shall be made to the assessor, who shall be the granting authority.~~

~~Application for classification as open space or timber land shall be made to the county legislative authority. If the parcel(s) of land is in an unincorporated area, the county legislative authority shall be the granting authority. If the parcel(s) of land is in an incorporated area, the application shall be forwarded to the city or town legislative authority. In such situations, a joint county/city legislative authority consisting of three members from each legislative authority, acting as the granting authority, shall act on the application.)~~ **(5) Application due date.** Application for classification of land according to ~~((the act))~~ chapter 84.34 RCW shall be made from January 1 through December 31 for classification or reclassification and the assessment ~~((to))~~ of the land in its classified status will begin on January 1 in the year following application.

~~(a) In other words, application must be made during the calendar year preceding the assessment year in which the classification or reclassification is to begin and the taxes on the land based on its classified use and status are payable the year following the assessment year.~~

~~(b) Example. An owner submits an application for classification on April 1, 1993. If it qualifies for classification, the land will be assessed based on its current use status for assessment year 1994 and the owner will pay taxes based on this assessment in 1995.~~

~~((An owner who submits an application for classification of land as open space and timber land need file only one application. However))~~ **(6) Information to accompany application.** The application for classification or reclassification shall require only such information as is reasonably necessary to properly classify an area of land under the provisions of chapter 84.34 RCW, including a signed statement as to the truth of the information. It shall also

include a statement that the applicant is aware of the potential tax liability involved when the land ceases to qualify as open space, farm and agricultural, or timber land. Additionally, the applicant shall provide a legal description of the parcel of land that is acceptable to the assessor and the granting authority, who shall determine the appropriate classification according to the provisions of ~~((the act and this))~~ chapter 84.34 RCW. ~~((The assessor may segregate the parcels as necessary.))~~

(7) Land in multiple counties. If the land described in the application for classification or reclassification is in more than one county, the owner shall file a separate application with ~~((each))~~ the granting authority of each county.

(8) Waiting period imposed after application is denied. If an application for classification or reclassification is denied, a reapplication covering the same parcel of land, or a portion thereof, may not be submitted to the granting authority until three hundred sixty-five days have elapsed from the date the initial application was received.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-220 Application fee. (1) Introduction. This section explains the processing fee that may be established by the city or county legislative authority and that may be required when an application for classification or reclassification is submitted. It also explains the manner in which the amount of this fee is determined and the distribution of this fee upon receipt.

(2) Processing fee. The city or county legislative authority may, at their discretion, require a processing fee to accompany each application. ~~((Such))~~ This fee shall be in an amount that reasonably covers the processing costs of the application.

(a) If any agreement is to be recorded, the cost of such recording shall come from the fee.

(b) The fee shall be made payable to the county financial authority, who shall forward a portion of the fee to any city in which the parcel of land is located in proportion to the land area included in ~~((such))~~ the city to the total land area of the parcel.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-225 ~~((Assessor to respond to farm and agricultural classification applications.))~~ Application for farm and agricultural classification. (1) Introduction. This section explains the application process for an applicant who seeks to have land classified or reclassified as farm and agricultural land under RCW 84.34.020(2).

(2) Where to submit - granting authority. An application for classification or reclassification as farm and agricultural land shall be made to the assessor of the county in which the land is located. The assessor shall be the granting authority.

(3) Duties of assessor.

(a) The assessor shall act on each application ~~((for classification as farm and agricultural land))~~ with due regard to all relevant evidence~~((s))~~ and may approve or deny the application in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) Except as provided by ~~((the act))~~ chapter 84.34 RCW and ~~((this))~~ chapter 458-30 WAC, the assessor cannot impose conditions or restrictions regarding the approval of an application for classification or reclassification as farm and agricultural land.

(c) The assessor shall consider the relevant zoning ~~((and, if the))~~ ordinances and regulations. If a zoning ordinance prohibits the farm and agricultural activity for which classification or reclassification is being sought, the assessor shall deny the application. ~~((Prospective use of the land shall not be relevant evidence in acting upon an application.))~~

(d) Upon receipt of an application for classification or reclassification, the assessor may require the applicant(s) to provide data regarding the current use of ~~((such))~~ the land, including the productivity of typical crops, sales receipts, federal income tax returns including schedules documenting farm income, other related income and expense data, and any other information relevant to the application. Failure to provide the requested information ~~((requested pursuant to this section))~~ shall be cause to deny an application. Prospective use of the land shall not be relevant evidence in acting upon an application.

(e) After an application has been approved and the classification or reclassification has been granted, the assessor may review the classification at any time.

(f) The assessor shall retain a copy of all applications submitted.

(4) Approval. If no written determination is provided to the applicant prior to May 1 of the year following receipt of the application, the application shall be considered approved. ~~((However, the assessor may review the classification at any time after the classification has been granted.))~~

(5) Denial. The assessor may approve or deny an application for classification in whole or in part.

(a) The assessor shall notify the applicant in writing of the extent to which the application is approved or denied.

(b) An applicant who receives a notice that his or her application has been denied may appeal this decision to the board of equalization in the county where the land is located. The appeal shall be filed within thirty calendar days of the date the notice of denial was mailed and shall be in the form specified in RCW 84.40.038.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-230 ~~((Legislative authority to act on open space and timber land applications.))~~ Application for open space classification. (1) Introduction. This section explains the application process for an applicant who seeks to have land classified or reclassified as open space land under RCW 84.34.020(1).

(2) Where to submit. An application for classification or reclassification of land as open space shall be made to the county legislative authority of the county in which the land is located.

(3) Granting authority. The identity of the entity that will act as the granting authority shall be determined by the location of the land the applicant seeks to classify or reclassify as open space land. The granting authority shall be determined as follows:

(a) If the parcel(s) of land is located in an unincorporated area of the county, the county legislative authority shall be the granting authority.

(b) If the parcel(s) of land is located in an incorporated area of the county, a copy of the application for classification or reclassification shall be forwarded to the city legislative authority in which the land is located. The granting authority shall be composed of three members of the county legislative authority and three members of the city legislative authority.

(4) Application process. An application for classification or reclassification of a parcel(s) of land as open space ~~((or timber))~~ land shall be ~~((filed with the granting authority and))~~ processed as follows:

((+)) (a) Comprehensive land use plan. The granting authority shall determine whether or not the land is located in an area designated as "open space" by an official comprehensive land use plan adopted by a city or county and zoned accordingly.

(i) If the land is in an area subject to a comprehensive plan ~~((has been enacted)), ((#))~~ the application for classification or reclassification shall be treated in the same manner as a proposed amendment to that plan ~~((+ and)).~~

((2)) (ii) If the land is in an area not subject to a comprehensive plan ~~((has not been enacted)), a public hearing on the application shall be conducted. A notice of ~~((such))~~ this hearing shall be announced once by publication in a newspaper of general circulation in the region, city, or county ~~((no less than))~~ at least ten days before the hearing. The owner who submitted the application for classification or reclassification that is the subject of the public hearing shall be notified in writing of the date, time, and location of this hearing.~~

(b) Factors to consider. In determining whether an application for classification or reclassification as open space land should be approved, the granting authority:

(i) May take particular notice of the benefits to the general welfare of preserving the current use of the parcel(s) of land described in the application; and

(ii) Shall consider the following:

(A) The revenue impact that will result from granting the application;

(B) Whether granting the application for classification or reclassification of land under RCW 84.34.020 (1)(b) will:

(I) Conserve or enhance natural, cultural, or scenic resources;

(II) Protect streams, stream corridors; wetlands, natural shorelines, and aquifers;

(III) Protect soil resources, unique or critical wildlife, and native plant habitat;

(IV) Promote conservation principles by example or by offering educational opportunities;

(V) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces;

(VI) Enhance recreation opportunities;

(VII) Preserve historic and archaeological sites;

(VIII) Preserve visual quality along highway, road, and street corridors or scenic vistas; or

(IX) Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the land; and

(C) Whether granting the application for classification or reclassification of land as farm and agricultural conservation land (RCW 84.34.020 (1)(c)) will:

(I) Either preserve land previously classified as farm and agricultural land under RCW 84.34.020(2) or preserve traditional farmland not classified under chapter 84.33 or 84.34 RCW;

(II) Preserve land with a potential for returning to commercial agriculture; and

(III) Affect any other factors relevant in weighing general benefits of preserving the current use of the property.

(iii) In addition to the foregoing concerns, the granting authority shall consider:

(A) The existence of any mining claim or mining lease on the land, and if such a claim or lease will seriously interfere with the considerations stated in (b)(i) and (ii) of this subsection. If the granting authority determines serious interference will occur, it may deny the application in whole or in part. If a mining claim or mining lease is obtained after the land is classified or reclassified, the same determination must be made in deciding whether serious interference will occur; and

(B) The zoning of the parcel(s) of land at the time the application for classification or reclassification is filed.

(5) Approval or denial of application. The granting authority shall either approve or disapprove the application within six months ~~((after it has been))~~ of the date the completed application was received by the county legislative authority.

(a) The granting authority may approve the application for classification or reclassification in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) In approving the application in whole or in part, the granting authority may also require that certain conditions be met including, but not limited to, the granting of easements. As a condition of granting an application for open space classification, the granting authority may not require public access on land classified under RCW 84.34.020 (1)(b)(iii) to promote the conservation of wetlands.

(c) If approved, valuation of the land at its current use value shall begin on January 1 of the year following the year the application was filed. However, any application approved on or after July 1 of any year shall cause the land to be listed on the assessment roll at its current use value on January 1 of the following assessment year.

~~((Any conditions imposed in the agreement shall be in consideration of the benefits to the general public and shall not exceed the duration of the agreement.))~~ (d) When the application for classification or reclassification as open space has been approved, the granting authority shall prepare an agreement. See WAC 458-30-240 for a detailed description of this agreement.

(e) The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

(6) Public benefit rating system. When an application for classification or reclassification under RCW 84.34.020 (1)(b) and (c) is submitted regarding land that is subject to a public benefit rating system adopted under RCW 84.34.055, the county legislative authority shall rate the

parcel(s) of land in accordance with the public benefit rating system to determine whether the application should be approved or denied.

Land that was classified under RCW 84.34.020 (1)(b) or (c) prior to the adoption of a public benefit rating system does not have to requalify for classification under the criteria of the public benefit rating system. The land shall not be removed from classification by an assessor. This land may be rated according to the public benefit rating system as appropriate. (See WAC 458-30-330, 458-30-335, and 458-30-340 for more information about the public benefit rating system.)

(7) Record retention. The granting authority shall keep a record of each application, agreement, and records relating to each agreement.

NEW SECTION

WAC 458-30-232 Application for timber land classification. (1) **Introduction.** This section explains the application process for an applicant who seeks to have land classified or reclassified as timber land under RCW 84.34.020(3).

(2) **Definition.** For purposes of this section, the following definition applies:

"Stand of timber" means a stand of trees that will yield log and/or fiber:

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

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

(3) **Where to submit.** An application for classification or reclassification of land as timber land under RCW 84.34.020(3) shall be made to the county legislative authority of the county in which the land is located.

(4) **Granting authority.** The identity of the entity that will act as the granting authority will be determined by the location of the land the applicant seeks to classify or reclassify as timber land. The granting authority will be determined as follows:

(a) If the parcel(s) of land is located in an unincorporated area of county, the county legislative authority shall be the granting authority.

(b) If the parcel(s) of land is located in an incorporated area, a copy of the application for classification shall be forwarded to the city legislative authority in which the land is located. The granting authority shall be composed of three members of the county legislative body and three members of the city legislative authority.

(5) Application process.

(a) Consider all relevant evidence. The granting authority shall act upon the application with due regard to all relevant evidence.

(b) Information that must accompany application. An application for classification or reclassification of a parcel(s) of land as timber land shall be made on forms prepared by the department and shall include the following:

(i) A legal description of or the parcel number(s) of all land the applicant desires to be classified as timber land;

(ii) The date or dates the land was acquired;

(iii) A brief description of the timber on the land or, if the timber has been harvested, the owner's plan for restocking;

(iv) Whether there is a timber or forest management plan for the land;

(v) If there is a timber or forest management plan for the land, the nature and extent to which the plan has been implemented;

(vi) Whether the land is used for grazing;

(vii) Whether the land has been subdivided or a plat has been filed with respect for the land;

(viii) Whether the land and the applicant have complied with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(ix) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(x) Whether the land is subject to a lease, option, or other right that permits the land to be used for a purpose other than growing and harvesting timber;

(xi) A summary of the applicant's past experience and activities in growing and harvesting timber;

(xii) A summary of the applicant's current and continuing activities in growing and harvesting of timber; and

(xiii) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

(c) Solitary factors that will result in automatic denial. An application may be denied for any of the following reasons without regard to any other factor:

(i) The land does not contain a stand of timber as defined in subsection (2) of this section, as well as in chapter 76.09 RCW, and WAC 222-16-010. This reason alone shall not be sufficient to deny the application if:

(A) The land has been recently harvested or supports a growth of brush or noncommercial type timber and the application includes a plan for restocking within three years or a longer period necessitated because seed or seedlings are unavailable; or

(B) Only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions.

(ii) The applicant, with respect to the land for which classification or reclassification is sought, has failed to comply with a final administrative or judicial order regarding a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW and applicable rules under Title 76 RCW.

(iii) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(6) **Public hearing required.** An application for classification of land as timber land shall be acted upon after a public hearing on the application has been held. A notice of this hearing shall be announced once by publication in a newspaper of general circulation in the region, city, or county at least ten days before the hearing. The owner who submitted the application for classification or reclassification

that is the subject of the public hearing shall be notified in writing of the date, time, and location of the hearing.

(7) **Approval or denial of application.** The granting authority shall either approve or disapprove the application for classification or reclassification within six months of the date it is received by the county legislative authority.

(a) The granting authority may approve the application for classification or reclassification in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) In approving the application in whole or in part, the granting authority may also require that certain conditions be met. The granting authority may not require the granting of easements for land classified as timber land.

(c) The granting or denial of an application for classification as open space land or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-240 Agreement ((execution)) relating to open space and timber land classifications. ((One))

(1) Introduction. This section explains the contents of and the procedures relating to the agreement that is executed when an application for classification or reclassification as open space land under RCW 84.34.037 or timber land under RCW 84.34.041 has been approved by the granting authority.

(2) Preparation and contents. When an application for classification or reclassification as open space or timber land has been approved by the granting authority, ((said)) the granting authority shall prepare an agreement. For purposes of this section, the date of approval shall be the date on which the granting authority approves the application for classification or reclassification.

(a) The agreement shall state all conditions attached to the approval of the application. The conditions of approval and any requirements of the classification detailed in the agreement shall be binding upon any heir, successor, or assignee of the parties of the original agreement.

(b) The agreement shall apply to the parcel(s) of land described in the agreement.

(c) The agreement may include, but is not limited to, a description of the ways the classified land may be used to retain its classified status, the actions that will cause removal of the land from classification, and the consequences of a change in the classified use of the land.

(3) Submit agreement to owner for signature.

(a) Within five calendar days ((following)) after the approval of the application for classification or reclassification, in whole or in part, the granting authority shall deliver by certified mail, return receipt requested, the ((approved)) agreement to the owner for signature.

(b) The owner may accept or reject the agreement.

(c) If accepted, the agreement shall be signed and returned to the granting authority within ((twenty-five)) thirty calendar days ((following delivery)) after receipt.

((Unless the owner is prevented from returning the agreement by events beyond their control)) (d) If the agreement is not signed and returned to the granting authority within thirty days of the date in which the unsigned

agreement was mailed to the owner, the granting authority shall conclusively presume the agreement has been rejected ((if it is not signed and returned to them within thirty calendar days after mailing)) unless the owner can show proof that he or she was prevented from returning the agreement by events beyond his or her control.

(e) To be properly executed, the agreement shall be signed by the owner and shall become effective ((commencing upon)) on the date the granting authority receives the signed agreement from the ((property)) owner of the classified parcel(s) of land.

(4) Executed agreement to be sent to assessor. The granting authority shall, within ten days after receiving the signed agreement, send one copy to the assessor of the county in which the land is located.

((The agreement shall apply to the parcel(s) of land described in the agreement and the conditions and requirements shall be binding upon the heirs, successors, and assignees of the parties thereto:))

NEW SECTION

WAC 458-30-242 Application for farm and agricultural conservation land classification. (1) Introduction. The 1992 legislative changes to chapter 84.34 RCW created a subclassification of farm and agricultural conservation land within the open space classification. This section explains the criteria and procedures related to farm and agricultural conservation land.

(2) **Open space application criteria and process must be followed.** Farm and agricultural conservation land is not a separate classification within chapter 84.34 RCW. This type of land is merely a subclassification within the open space classification.

(a) To obtain the open space/farm and agricultural conservation land classification, the applicant must follow and comply with the procedures and requirements related to the open space classification. The process of applying for open space classification is set forth in RCW 84.34.037 and WAC 458-30-230.

(b) In addition to the information normally required to accompany an application for open space classification, an applicant seeking farm and agricultural conservation land classification shall submit a statement about the previous use, the current use, and the intended future use of the land. If the land is traditional farmland that has never been classified under chapter 84.33 or 84.34 RCW, this information should be included in the applicant's signed statement.

(3) **Specific requirements for classification as open space/farm and agricultural conservation land.** To be classified as farm and agricultural conservation land, the land shall be:

(a) Previously classified as farm and agricultural land under RCW 84.34.020(2), that no longer meets the criteria for classification under RCW 84.34.020(2), and that shall be reclassified as open space land under RCW 84.34.020(1); or

(b) Traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably dedicated to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agricultural purposes.

(4) **Examples.**

(a) Farmer Jones and his wife own nineteen acres of classified farm and agricultural land. Farmer Jones dies and his wife inherits the classified land. Within a year of her husband's death, Mrs. Jones realizes that she can not actively farm the land and produce the annual amount of income required by RCW 84.34.020 (2)(b). She decides to have the land reclassified as farm and agricultural conservation land within the open space classification. If the application for reclassification is submitted, the application procedure for open space classification is followed, and Mrs. Jones signs a statement about the current and intended use of the land, the land may be reclassified as farm and agricultural conservation land under subsection (3)(a) of this section.

(b) Farmer McDowell has a fifty acre parcel of land on which he raises pigs and goats. He inherited this land from his father who farmed it before him. Also, the land has never been classified under chapter 84.34 RCW nor has it ever been designated forest land under chapter 84.33 RCW. As the result of an accident, Farmer McDowell is seriously injured and cannot actively farm the land. If the land is not irrevocably devoted for a use inconsistent with agricultural uses and Farmer McDowell intends to resume actively farming the land sometime in the future and has signed a statement to this effect, the land may classify as farm and agricultural conservation land under subsection (3)(b) of this section.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-245 Recording of documents. (1)

Introduction. This section details the documents relating to lands classified under chapter 84.34 RCW that must be filed with the county assessor and the county recording authority in accordance with RCW 84.34.050.

(2) Notice to assessor. When the granting authority has classified land under chapter 84.34 RCW, the granting authority shall file a notice to this effect with the assessor within ten working days of making the determination. As to any land classified under chapter 84.34 RCW, the assessor shall annually make a notation on the county's assessment list and tax roll of the assessed value of this land for the use for which it is classified and the assessed value of this land if it were not so classified.

(3) Agreement relating to open space land or timber land classification. Within ten working days of receipt of an agreement regarding land classified as open space or timber land from a granting authority, the assessor shall (~~within ten working days after receiving an agreement from the granting authority, or approving an application for the farm and agricultural land classification;~~) submit (~~such documents~~) the executed agreement to the county recording authority for recording in the place and manner provided for the public recording of tax liens on real property. The county recording authority shall return the (~~documents~~) agreement to the assessor following recording.

(4) Notice of approval relating to farm and agricultural land classification. Within ten working days of the approval of an application for farm and agricultural land classification or reclassification, the assessor shall send a notice of approval to the county recording authority for

recording in the place and manner provided for the public recording of tax liens on real property.

(5) Notice of withdrawal or removal. When land is to be withdrawn or removed from classification under chapter 84.34 RCW, the assessor shall forward a notice of withdrawal or removal to the county recording authority. The county recording authority shall (~~also~~) record all notices of withdrawal or (~~of breach that are received from the assessor~~) removal. The owner shall pay all recording fees for (~~such~~) the notices.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-250 Approval or denial and appeal.

(1) Introduction. This section describes the procedure an applicant must follow if his or her application for classification or reclassification under chapter 84.34 RCW is denied, in whole or in part, and he or she wishes to appeal the determination.

(2) General requirement. The granting authority shall immediately notify the assessor and the applicant of the approval or denial of an application for classification or reclassification no later than six months after the receipt of this application. However, if an application for classification or reclassification as farm and agricultural land is not denied, in whole or in part, by the first day of May of the year after the application was submitted, the application shall be deemed approved. For example, an application for classification as farm and agricultural land shall be considered approved if it was delivered to the assessor on August 30, 1993, and was not denied prior to May 1, 1994.

(3) Written denials with reasons required. All denials of an application for classification or reclassification shall be in writing and shall include the reasons for denial.

(4) Owner's right to appeal. The owner shall have the right to appeal any denial of an application for classification or reclassification.

~~((3) In the event the assessor denies)~~ (a) If an application for classification or reclassification as farm and agricultural land is denied by the granting authority, in whole or in part, the applicant may appeal to the (~~county legislative authority~~) board of equalization of the county in which the land is located within thirty calendar days (~~following mailing~~) of date the denial was mailed.

~~((4) In the event the granting authority denies)~~ (b) If an application for classification or reclassification as either open space or timber land is denied by the granting authority, in whole or in part, the applicant may appeal (~~can be made~~) only to the superior court of the county (~~where~~) in which the land is located and the application was made.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-255 Determination of value— Assessor's duties. (1) Introduction. This section explains the assessor's duty to determine the current use value of land classified under chapter 84.34 RCW.

(2) Duties of assessor. The assessor shall determine the current use value of land classified under (~~the act~~) chapter 84.34 RCW according to the procedures and standards set forth in (~~this chapter~~) WAC 458-30-260, 458-30-267, and

458-30-317. In determining ~~((the))~~ this value, the assessor shall consider only the current use of ~~((such))~~ the classified land and shall not consider any potential use ~~((and))~~ or any income from a potential use.

AMENDATORY SECTION (Amending Order PT 90-1, filed 1/2/90, effective 2/2/90)

WAC 458-30-260 Valuation procedures for farm and ~~((standards))~~ agricultural land. ~~((The assessor shall use all available information to determine the productive capacity of classified farm and agricultural land. Consideration shall be given to actual production within an area, averaged over not less than the immediate past five years. Farm production information and other related data shall be available to the assessor as provided by the act and this chapter. Reliable statistical sources may also be used. A soil capability analysis may be considered in determining the productive or earning capacity of the land.~~

In determining the current use value of farm and agricultural land, the assessor shall use the capitalization of income method described in the following subsections of this section:

(1) The net cash rental to be capitalized shall be determined as follows:

(a) The assessor shall use leases of farm land paid on an annual basis, in cash or its equivalent. The land must have been available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. If leases do not meet these requirements, they will not be used. The lease payments shall be averaged as follows:

(i) Each annual lease payment, or rent, shall be averaged for the typical crops within that area; and

(ii) The typical cash rental for each year shall be averaged for not less than the last five crop years. A deduction shall be allowed for the customary costs that are paid by the land owner. All costs and expenses shall be averaged over the immediate past five years. If the land is irrigated by a sprinkler system, an amount for the irrigation equipment shall be deducted from the gross cash rent to determine the net rent for the land only. However, such irrigation equipment shall be placed on the assessment roll at its true and fair value.

(b) Should there be an insufficient number of leases available to adequately determine net cash rental, it shall be established by determining:

(i) The landlord's share of the cash value of typical or usual crops grown on land of similar quality. The cash value shall include government subsidies if they are based on the productive capacity of the land. The acreage kept out of production because of these subsidies shall be included in the total acreage valued by capitalization of the income;

(ii) The landlord's share of the standard cost of production will be determined and deducted from his or her share of the cash value established pursuant to this subsection.

The resulting amount shall be averaged for not less than five crop years.

(c) When the land being valued is not in use for commercial agricultural purposes, or where the available information is insufficient to determine an agricultural income, the assessor shall compute a reasonable amount to be

capitalized as income, based on the land's estimated productive capacity.

(2) The capitalization rate to be used in valuing land shall be the sum of the following:

(a) An interest component to be determined by the department and certified to the assessor on or before January 1st of each year, and shall be comparable to interest rates charged on long term loans secured by mortgages on farms or agricultural lands averaged over the last five years; plus

(b) A component for property taxes that shall be determined by dividing the total taxes levied within the county for the year preceding the assessment by the total assessed value of the county.

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2) of this section.

(4) The department's determination of the interest rate established in subsection (2)(a) of this section may be appealed to the state board of tax appeals not later than thirty days after the notice has been issued by:

(a) An owner of a parcel(s) of land classified as farm and agricultural; or

(b) The assessor of any county containing parcels of land that are classified as farm and agricultural.

(5) Land presently used as a residential building site shall be valued at its true and fair value as a homesite in accordance with WAC 458-12-301. However, land that migratory farm labor accommodations, bunkhouses, storeyards, barns, machine sheds, and similar type structures are located upon shall not be considered as a residential building site.

(6) Except for a parcel(s) of land classified under a rating system, a parcel of land classified as open space shall have an assessed value not less than what it would have if classified as farm and agricultural land.

(7) Timber land shall be valued according to chapter 84.33 RCW. (1) **Introduction.** This section outlines the methods an assessor may use to determine the value of land classified as farm and agricultural land under chapter 84.34 RCW. The valuation procedures are outlined in RCW 84.34.065. The method used to value the principal residence of the farm operator or owner and the housing of farm and agricultural employees on classified farm and agricultural land is described in WAC 458-30-317.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Landlord" means the person(s) or business enterprise that leases or rents classified farm and agricultural land to another person(s) or business entity.

(b) "Net cash rental" means the average rental paid on an annual basis, in cash, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for the production of agricultural crops.

(c) "Rate of interest" means the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments averaged over the immediate past five years.

(3) General considerations. The assessor shall use all available information to determine the productive or earning capacity of classified farm and agricultural land including, but not limited to, farm production information, actual crop production within an area averaged over not less than five years, and other relevant data. The assessor may also use reliable statistical sources. Additionally, a soil capability analysis may be considered in determining the productive or earning capacity of classified land.

(4) Determination of current use value. The value of classified farm and agricultural land shall be determined by the productive or earning capacity of comparable land from crops typically grown in the area averaged over not less than five years, capitalized at indicative rates. The assessor shall use the capitalization of income method to value this type of classified land.

(a) The earning or productive capacity of comparable land is the "net cash rental," capitalized at a "rate of interest" charged on long-term loans secured by a mortgage on farm or agricultural land plus a component for property taxes. The rate of interest and the property tax component for each county are set forth in WAC 458-30-262.

(b) The value of classified farm and agricultural land shall be the net cash rental of the land divided by the capitalization rate.

(5) Net cash rental. The net cash rental to be capitalized shall be determined as follows:

(a) Based on leases. Leases of farm and agricultural land paid on an annual basis, in cash, shall be used in determining the net cash rental. The cash value of these leases shall include government subsidies if the subsidies are based on the earning or productive capacity of the land. Only leases of land that is available for rent for a period of at least three years to any reliable person without unreasonable restrictions on its use to produce agricultural crops may be used in this determination. Lease payments shall be averaged as follows:

(i) Each annual lease or rental payment for the land being valued and for other farm and agricultural land within the area of similar quality and upon which typical crops in the area are grown shall be averaged for at least the preceding five crop years; and

(ii) The typical cash rental for each year shall be averaged for at least the preceding five crop years.

(A) Costs of crop production customarily paid by the landlord may be deducted from the typical cash rental. All costs and expenses shall be averaged for at least the preceding five crop years.

(B) If the land is irrigated by a sprinkler system, the amount of rent attributable, if any, to the irrigation equipment shall be deducted from the gross cash rent to determine the net cash rental of the land only. However, the value of irrigation equipment will be placed on the assessment roll at its true and fair value.

(b) Earning or productive capacity of land. If only an insufficient number of leases are available, the earning or productive capacity of farm and agricultural land shall be calculated by determining the cash value of typical crops grown on land of similar quality and similarly situated within the area then subtracting the standard production costs of the crops. The cash value minus the production costs of typical crops are to be averaged over at least five crop years.

Cash value shall include, but is not limited to, government subsidies if the subsidies are based on the earning or productive capacity of the land. Any acreage kept out of production because of government subsidies shall be included in the total acreage valued by the capitalization of the income method.

(c) When the land being valued is not being used for commercial agricultural purposes or when the available information is insufficient to determine the earning or productive capacity of the land, the assessor shall compute a reasonable amount based on the land's estimated productive capacity to be capitalized as income.

(6) Capitalization rate. The capitalization rate that is used to value classified farm and agricultural land is the sum of the following:

(a) An interest rate determined by the department on or before January 1st each year. This rate shall be the rate of interest charged on long-term loans secured by mortgages or similar legal instruments averaged over the immediate past five years; plus

(b) A component for property taxes determined by dividing the total taxes levied within the county for the year preceding the assessment by the total assessed value of all property within the county and multiplying the quotient by one hundred.

(7) Appeal of interest rate determination. The department shall annually determine a rate of interest and property tax component that shall be announced in a rule. (WAC 458-30-262.) This rule will be published in the *Washington State Register* before January 1st each year so that it may be used in that assessment year. The department's determination of the interest rate may be appealed to the state board of tax appeals within thirty calendar days after the date of publication by:

(a) Any owner of a parcel(s) of land classified as farm and agricultural; or

(b) The assessor of any county containing parcels of land that are classified as farm and agricultural under chapter 84.34 RCW.

(8) Valuation of principal residence or housing for employees. Land classified as farm and agricultural land because it is the site of the principal residence of the operator or owner of the land and the housing for farm and agricultural employees will be valued in accordance with RCW 84.34.065 and WAC 458-30-317. If the principal residence of a farm operator or owner or the housing for farm and agricultural employees fails to meet all of the requirements of RCW 84.34.020 (2)(d) and, therefore, is not classified as farm and agricultural land, the residence or housing will be valued at its true and fair value in accordance with WAC 458-12-301.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-265 Valuation cycle. (1) Introduction. This section explains the timing of revaluations of land classified under the provisions of chapter 84.34 RCW.

(2) Revaluation cycle. In determining the true and fair value and the current use value of classified lands, the assessor shall follow a revaluation cycle that adheres to the requirements contained in WAC 458-12-335 through 458-12-

339(~~as now or hereafter amended~~)). The cycle used shall be the same as that used for other real property in the county and shall be in an orderly manner, pursuant to a regular plan, and in a manner that is not arbitrary, capricious, or intentionally discriminatory.

(3) Notice required. The assessor shall notify the owner of classified lands of any change in the true and fair value and/or current use value in the same manner as prescribed in RCW 84.40.045.

NEW SECTION

WAC 458-30-267 Valuation procedures for open space and timber land. (1) **Introduction.** This section outlines the procedures set forth in RCW 84.34.060 about how to value land(s) classified as open space or timber land under the provisions of chapter 84.34 RCW.

(2) Open space land.

(a) In valuing land classified as open space, the assessor shall consider only the way in which the land and improvements are currently used; the assessor shall not consider potential uses of the land.

(b) The assessed value of open space land shall not be less than the minimum value per acre of classified farm and agricultural.

(c) If open space land is located within a county where the county legislative authority has adopted an open space plan and a public benefit rating system in accordance with RCW 84.34.055, the assessed value of this open space land may be based on the public benefit rating system. The open space plan shall contain criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. An assessed valuation schedule shall be developed by the assessor and shall be a percentage of true and fair value based on the public benefit rating system.

(3) **Timber land.** The assessor shall value classified timber land according to the provisions of chapter 84.33 RCW.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-270 ((Income and expense)) Data relevant to continuing eligibility—Assessor may require owner to submit. ~~((The assessor is authorized to require an owner to report data relevant to continuing the eligibility of any parcel of land for classification. Such information includes, but is not limited to: Receipts from sales of agricultural products produced on that land, federal income tax returns including schedules documenting farm income, production and other operating expenses, rent and lease receipts, government payments and subsidies, crop and livestock production data and other related income and expense information.))~~ (1) **Introduction.** This section explains the types of data or information the assessor may require a person seeking continued classification or reclassification to submit so that land may retain its eligibility or be reclassified under chapter 84.34 RCW.

(2) **General authorization.** The assessor may require an owner of land classified under chapter 84.34 RCW to submit data relevant to the use of the land, productivity of typical crops, and other information pertinent to continued

classification or reclassification and appraisal of the land. The assessor may request any relevant information that will assist him or her in determining whether the land is eligible for continued classification or reclassification. Relevant data or information includes, but is not limited to:

(a) Receipts from sales of agricultural products produced on classified land;

(b) Federal income tax returns including schedules documenting farm income, production costs, and other operating expenses;

(c) Rental or lease agreements and receipts;

(d) Government payments and subsidies;

(e) Crop and livestock production data; or

(f) Other income and expense information related to the land for which continued classification or reclassification is sought.

(3) Request for information - procedure. The assessor shall send the request for information by first class mail. The person seeking continued classification or reclassification must submit the requested information or data, in writing, no later than sixty calendar days following the date the request was mailed.

(a) If no response is received within sixty days, the assessor's office shall send the owner a second request for information by certified mail, return receipt requested. This second request shall include a statement that failure to submit the requested information or data within thirty calendar days of the date of mailing may cause the land to be removed from classification.

(b) If the owner of classified land does not respond to a request for information, the assessor may remove the land from classification.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-275 Continuing classification((—)) upon sale or transfer of ownership of classified land. ~~((When the ownership of classified land is sold or transferred to a new owner who intends to continue classification, such notation shall be made by the new owner on the affidavit.~~

~~(1) When a parcel(s) of land classified as open space is sold or transferred, the signature of the new owner must be on the notice of continuance in order to continue the classification. The assessor will request information from the new owner, and consult with the granting authority to determine if the parcel of land qualifies for continued classification.~~

~~(2) When a parcel(s) of land classified as timber land is sold or transferred, the signature of the new owner must be on the notice of continuance in order to continue the classification. The assessor will request information from the new owner, and consult with the granting authority to determine if the parcel of land qualifies for continued classification.~~

~~(3) When a parcel(s) of land classified as farm and agricultural is sold or transferred to a new owner:~~

~~(a) In a sale or transfer involving twenty acres or more, the new owner will be required to:~~

~~(i) Sign the notice of continuance on the affidavit; and~~

(ii) Provide the assessor with a statement explaining how he or she will use the parcel(s) of land in such manner as to continue its eligibility for classification under the act.

The assessor will then determine if the land qualifies for continued classification:

(b) In a sale or transfer involving less than twenty acres, the new owner will be required to:

(i) Sign the notice of continuance on the affidavit; and

(ii) Provide the assessor with a statement explaining how he or she will use the parcel(s) of land in such manner as to continue its eligibility for classification under the act; and

(iii) Provide gross income data for three of the past five years. Said data shall be consistent with the income and acreage requirements stated in the act and this chapter.

The assessor will then determine if the land qualifies for continued classification:

(c) In a sale or transfer involving a land segregation, the owner of the newly created parcel(s), and the owner of the parcel(s) of land from which the segregated land was taken shall comply with the requirements of (a) or (b) of this subsection before the assessor determines if the land qualifies for continued classification.

(4) The assessor may, upon being informed that classified land is being sold or transferred to a new owner, obtain relevant information pursuant to WAC 458-30-270. Within fifteen calendar days after receiving such data, the assessor will determine if the land qualifies for continued classification as of the date of conveyance. The new owner, upon signing the notice of continuance, warrants the information in the original application continues to be correct and that future use of the land will conform to the provisions of the act and this chapter.)) (1) **Introduction.** When land classified under chapter 84.34 RCW is sold or transferred certain procedures must be followed if the new owner wishes to keep the land in its present classified status. This section explains the required procedures and forms.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Affidavit" means the real estate excise tax affidavit that the department prescribes and furnishes to county treasurers for use by the owner in reporting sales and/or transfers of classified land. The form will require the signature, under the penalty of perjury, of the owner and purchaser or transferee or agents of each. See chapter 82.45 RCW and chapter 458-61 WAC for more specific details.

(b) "Notice of continuance" means the notice signed when land classified as open space, farm and agricultural, or timber land under the provisions of chapter 84.34 RCW is sold or transferred and when the new owner of the classified land wishes to have the land remain classified under the provisions of chapter 84.34 RCW. This notice may be either part of the real estate excise tax affidavit or a separate document created by the department.

(c) "Owner" means any person or persons having a fee interest in a parcel of land, except when the land is subject to a real estate contract and the vendee when the land is subject to a real estate contract. For purposes of this section, the owner or owners of classified land must all sign the notice of classification continuance and/or real estate excise tax affidavit.

(3) **General requirements.** When a parcel(s) of land classified as open space, farm and agricultural, or timber land under chapter 84.34 RCW is sold or transferred and the new owner wishes to keep the land in its classified status, the new owner must:

(a) Sign a notice of classification continuance that is either part of a real estate tax affidavit or a separate document prepared by the department; and

(b) Provide the assessor with a signed statement that explains how the owner will use the parcel(s) of land so as to continue its eligibility for classification under the provisions of chapter 84.34 RCW.

(4) **Assessor's duties and authority related to sale or transfers.** When land classified under chapter 84.34 RCW is in the process of being sold or transferred, the new owner must sign a notice of continuance and the statement described in subsection (3) of this section if he or she wishes the land to remain classified. This notice of continuance and signed statement shall be presented to the assessor who must determine if the land will continue to be used in a manner approved for classified status or if the land will not be used in a manner consistent with the current use program. The assessor shall be allowed a reasonable amount of time to determine whether the classified use of the land will be continued by the new owner.

(a) Upon receipt of the notice of classification continuance, the assessor may require the new owner to submit additional information including, but not limited to, the types of data listed in WAC 458-30-270.

(b) Within fifteen calendar days of receiving the notice of classification continuance, the signed statement, and all requested information, the assessor shall determine whether the land qualifies for continued classification as of the date of conveyance.

(c) The assessor may consult with the granting authority to determine if the land will qualify for continued classification. The assessor and/or the granting authority may ask the owner to submit additional information and pertinent data to ensure that the land will continue to be used for a classified use.

(d) No instrument of conveyance may be filed with the county auditor or recorded unless:

(i) The assessor has determined that the land will be used for current use purposes and can continue to be classified within the current use program;

(ii) If the land is no longer eligible to be classified within the current use program, the seller or transferor has paid the additional tax, applicable interest, and penalty;

(iii) The land is to be removed from classification and the removal results solely from one of the exceptions listed in RCW 84.34.108(5) to the imposition of additional tax, applicable interest, and penalty. See also WAC 458-30-300 that implements this statute; or

(iv) In the case of a sale, a completed real estate excise tax affidavit has been submitted to the treasurer of the county in which the classified land is located. To be complete the real estate excise tax affidavit must indicate whether the land is classified under the provisions of chapter 84.34 RCW.

(e) If land must be removed from classification because it was sold or transferred as a result of any of the occurrences or actions listed in RCW 84.34.108(5), the assessor shall:

(i) Follow the standard procedures set forth in WAC 458-30-295 and 458-30-300 for removing the land from classification;

(ii) Notify the county treasurer and the seller or transferor that no additional tax, applicable interest, or penalty are due as a result of the sale or transfer because RCW 84.34.108(5) specifically exempts the transaction from the imposition of additional tax, applicable interest, and penalty; and

(iii) In the case of land acquired for conservation purposes by any of the entities listed in RCW 84.34.108(5)(f), inform the new owner or transferee that if the land ceases to be used the purposes enumerated in RCW 84.34.210 or 64.04.130, the additional tax, applicable interest, and penalty will be due.

(5) Timber land. When a parcel(s) of classified timber land is sold or transferred, the new owner must submit a timber management plan to the assessor in order to continue the classification, in addition to the general requirements listed in subsection (3) of this section. The assessor shall send a copy of the timber management plan to the county legislative authority of the county in which the classified land is located. WAC 458-30-232 contains a list of the types of additional information an assessor may require the new owner to submit so that the assessor can determine if the land will continue to be used to grow and harvest forest crops for commercial purposes.

(6) Farm and agricultural land. When a parcel(s) of classified farm and agricultural land is sold or transferred, the new owner must comply with the general requirements set forth in subsection (3) of this section. The size of the parcel(s) of farm and agricultural land sold or transferred will determine whether any additional requirements must also be satisfied. A parcel(s) of land that is less than twenty acres must produce a specified amount of income to remain classified as farm and agricultural land. After all required information is submitted, the assessor shall determine whether the land qualifies for continued classification.

(a) Twenty acres or more. If the parcel(s) sold or transferred is twenty acres or more, the new owner must satisfy the general requirements listed in subsection (3) of this section.

(b) Less than twenty acres. In a sale or transfer involving less than twenty acres, the new owner will be required to comply with the general requirements of subsection (3) of this section and may be asked to provide gross income data relating to the productivity of the farm or agricultural operation for three of the past five years. This information regarding the earning or productive capacity of the classified land will be used to determine if the land meets the income criteria listed in chapter 84.34 RCW and this WAC chapter.

(i) Minimum income limits are set forth in RCW 84.34.020 (2)(b)(i) and (ii) for parcels that are at least five but less than twenty acres in size and in RCW 84.34.020 (2)(c)(i) and (ii) for parcels that are less than five acres or less in size. Any sale or transfer of classified land, except to a surviving spouse, subject to these income limits. See WAC 458-30-210(3) and 458-30-317 for further information and details.

(ii) If, after January 1, 1993, classified land is sold by an owner who applied for and was granted classification

prior to January 1, 1993, to a new owner, the minimum income requirements specified in RCW 84.34.020 (2)(b)(ii) and (c)(ii) will be deferred for a period of three years. The new owner must meet these minimum income limits at least once during the three calendar years immediately following the sale or transfer of the classified farm and agricultural land. For example, if classification was granted in 1978 to a fifteen acre parcel that produced a gross income of one hundred thirty dollars per acre per year and the land is sold on April 15, 1993, the minimum income requirements will be deferred until 1996. By the end of 1996, the new owner must provide proof that the parcel produced two hundred dollars per acre at least one year during the three-year period between 1993 and 1996. If the land has produced a gross income of two hundred dollars per acre the land will remain classified as farm and agricultural land. If the land has not produced this amount at least once during this three-year period, the land shall be removed from classification and the owner will be required to pay an additional tax, interest, and penalty.

(iii) If, after January 1, 1993, classified land is sold by an owner who applied for and was granted classification after January 1, 1993, the assessor will review the information regarding the productivity of the land for three out of the past five years to determine whether the minimum income limits set forth in RCW 84.34.020 (2)(b)(ii) or (c)(ii) have been met. For example, if a ten acre parcel was granted classification on May 1, 1993, and it is sold on February 23, 1994, the assessor will ask the seller and/or buyer of the classified land to provide information about the earning or production capacity of the land for at least the five calendar years preceding the sale (i.e., 1989 through 1993). To retain the current use classification, the land must have produced a minimum of two hundred dollars per acre per year at least three out of the five calendar years preceding the date of sale.

(c) Segregation of land. In a sale or transfer involving a land segregation, the owner of the newly created parcel(s), and the owner of the parcel(s) of land from which the segregated land was taken must comply with the requirements of (a) or (b) of this subsection before the assessor determines if the land qualifies for continued classification.

(7) New owner's warranty. The new owner, upon signing the notice of continuance, warrants the information in the original application continues to be correct and that future use of the land will conform to the provisions of chapter 84.34 RCW and this WAC chapter.

(8) Real estate excise tax. Under the provisions of chapter 82.45 RCW whenever real property is sold or transferred an excise tax is imposed; the amount of this tax is related to the selling price of the real property. Real estate excise tax is due at the time of sale. This tax is paid to and collected by the treasurer of the county where the real property is located.

(a) The seller or the buyer, or the agent of either, of the real property must pay the excise tax and must submit a signed real estate excise tax affidavit to the treasurer of the county where the real property is located.

(b) When the ownership of classified land is sold or transferred to a new owner who intends to continue classification of the land under the provisions of chapter 84.34

RCW, the new owner must make a notation of this intent on the affidavit.

(c) No instrument of sale or conveyance evidencing a sale subject to the real estate excise tax may be accepted by the county auditor for filing or recording until a stamp is affixed to the affidavit by the treasurer that shows the tax has been paid. The county treasurer shall not stamp the instrument of sale or conveyance unless the assessor has determined that the classified use of the land will be continued or that the additional tax, interest, and/or penalty required under RCW 84.34.080 and 84.34.108, except as exempted under RCW 84.34.070 or 84.34.108(5), have been collected.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-280 Notice to withdraw from classification. (1) Introduction. When an owner of classified land wishes to withdraw all or part of this land from the current use program, the owner must submit a request to withdraw classification to the assessor. This section explains when an owner may request a withdrawal from classification under the provisions of chapter 84.34 RCW and what the assessor must do upon receipt of this request.

(2) Definition. For purposes of this section, the following definition applies: "Withdrawal" means that the owner of land classified under the provisions on chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to be withdrawn, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of intent to withdraw with the assessor at least two years prior to the assessment year the parcel must be valued at one hundred percent of true and fair value. Land is withdrawn from classified status by a voluntary act by the owner.

(3) Requirements - ten years and notice of request for withdrawal. Except as otherwise provided, land classified under the provisions of ((the act)) chapter 84.34 RCW shall remain ((under such classification)) classified and shall not be applied to any other use((s)) for at least ten assessment years from the effective date of classification.

(a) During the ninth or later assessment year of classification, the owner may file with the assessor ((an irrevocable)) a notice of request for withdrawal. The request for withdrawal may involve all or part of the land.

(b) Upon receiving the request for withdrawal, the assessor shall, within seven working days, transmit one copy of the request to the granting authority that approved the original application for classification.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-285 Withdrawal from classification. ((Classification may be withdrawn from a parcel of land in whole or in part. If part of the parcel is involved, the assessor shall:

(1) If the parcel is classified as farm and agricultural land, verify that the remaining portion meets the requirements of the act and this chapter; and

(2) If the parcel is in the open space or timber land classification, consult with the granting authority before determining whether the remaining portion meets the requirements of the act and this chapter.

The assessor may segregate the portion from which classification is being withdrawn for valuation and taxation purposes.

After twenty-four months have elapsed following the date of receipt of the request to withdraw classification from the land, the assessor shall withdraw the classification and place the true and fair value on said land. The assessor shall, not later than thirty days after making the withdrawal, notify the owner in writing that classification has been withdrawn from the parcel(s).) (1) Introduction. After a request to withdraw classification is received, the assessor is required to make a series of determinations. This section explains the procedures the assessor must follow upon receipt of a request for withdrawal.

(2) Definition. For purposes of this section, the following definition applies: "Withdrawal" means that the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to be withdrawn, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of intent to withdraw with the assessor at least two years prior to the assessment year the parcel must be valued at one hundred percent of true and fair value. Land is withdrawn from classified status by a voluntary act of the owner.

(3) Complete or partial withdrawal. Land that has been classified under chapter 84.34 RCW must be applied to the classified use and remain in its classified status for at least ten years from the date of classification. During the ninth or later assessment year of classification, if the owner decides to have the land withdrawn from the current use program he or she must submit a request to withdraw classification.

(a) Classification may be withdrawn from a parcel of classified land in whole or in part.

(b) The additional tax and applicable interest set forth in RCW 84.34.108 are due when land is withdrawn from classification unless the withdrawal is the result of one of the transactions exempt under that statute. (See WAC 458-30-300.)

(4) Procedure for partial withdrawal. If only a portion of the classified land is to be withdrawn from classification, the remaining parcel must meet the same requirements the entire parcel was required to meet when the land was originally granted classification unless the remaining parcel has different criteria. For example, if a thirty acre parcel of land was previously classified as farm and agricultural land and the owner now wishes to withdraw fifteen acres, the land that remains classified must meet the income production requirements set forth in RCW 84.34.020 (2)(b) even though the thirty acre parcel was not required to meet any income production requirements.

(a) The assessor may ask the owner of the remaining parcel of classified land to submit information relevant to continuing eligibility of the land under chapter 84.34 RCW. See WAC 458-30-270 for more details about such a request.

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(b) If the parcel is classified as farm and agricultural land, the assessor shall verify that the remaining portion meets the requirements of RCW 84.34.020(2) and this WAC chapter.

(c) If the parcel is classified as open space or timber land, the assessor shall consult with the granting authority before determining whether the remaining portion meets the requirements of RCW 84.34.020 (1) and (3) and this WAC chapter. The granting authority may ask the owner to submit pertinent data that it considers necessary to assist it in making this determination.

(d) The assessor may segregate the portion from which classification is being withdrawn for valuation and taxation purposes.

(5) Date of withdrawal and notice to owner. The land shall be withdrawn from classification as of January 1st of the third assessment year after the notice of withdrawal is received by the assessor's office. When classification has been withdrawn, the land shall be placed on the assessment roll at one hundred percent of its true and fair value.

(a) The assessor shall, no later than thirty days after making the withdrawal, notify the owner in writing that classification has been withdrawn from the parcel(s).

(b) Example. An application for classification as open space land was submitted in April 1980 and approved effective assessment year 1981. In 1989, the owner submits a notice of request to withdraw all the land from classification. Therefore, in 1992, the third assessment year after receipt of this notice, the assessor shall withdraw the land from classification; the land shall be assessed at its true and fair value as of January 1 of assessment year 1992.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-295 Removal of classification. ((The assessor shall remove classification from all or a portion of the parcel upon occurrence of any of the following:

(1) Receipt of written notice from the owner directing removal.

(2) Sale or transfer to an owner exempt from paying property taxes.

(3) Any change in use which occurs after a request to withdraw classification is made in accordance with the provisions of WAC 458-30-285, and before actual withdrawal of the classification.

(4) Sale or transfer of all or a portion of such land to a new owner who is not exempt from paying property taxes. However, the new owner may sign the notice of continuance on the affidavit to continue the classified use of the sold or transferred land.

(5) Failure of an owner to respond to a request for data pursuant to WAC 458-30-270. The request for such information shall be sent by first class mail. Any response shall be made in writing no later than sixty calendar days following the date the request was mailed by the assessor. If the owner does not respond within that time period, the assessor shall send the owner a second request for information which shall be sent by certified mail, return receipt requested. This second request shall inform the owner that failure to respond in writing within thirty calendar days of the date of mailing may result in removal of classification. If the owner fails to

respond, the assessor may remove the classification and impose the additional tax and penalty.

(6) A determination by the assessor based on field inspections, analysis of income and expense data, or any other reasonable evidence that all, or a portion of the parcel(s) of land is no longer devoted to the primary use that qualified it for classification. The assessor shall notify the owner in writing regarding this determination, but shall not remove classification until the owner has had an opportunity to respond. Such response shall be made in writing no later than thirty calendar days following the date the request was mailed by the assessor.

Within thirty days after removal of classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal the removal to the county board of equalization. The appeal must be filed within thirty calendar days following the date the notice of removal was mailed by the assessor.

Upon removal of classification from a portion of a parcel of open space, farm and agricultural, or timber land, the assessor may, for valuation and tax purposes, segregate the affected portion.)) (1) Introduction. This section discusses the occurrences that may cause land to be removed from classification and the actions taken by an assessor relative to a removal. Classified land may be removed if it is no longer used for the purpose for which classification was granted or if the owner has sought reclassification of the land and the land does not meet the criteria for classification under chapter 84.34 or 84.33 RCW.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions on chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in subsection (4) of this section.

(3) General requirement. If land classified under chapter 84.34 RCW is applied to a use other than the one for which classification is granted, the owner shall notify the assessor of the change in use within thirty days of the change. An additional property tax, applicable interest, and a penalty shall be imposed upon the land when it is removed from classification due to this change in use. See WAC 458-30-300 for details about the additional tax, interest, and/or imposed.

(4) Actions that cause removal of land from classification. When any of the following actions occur, the assessor shall remove from classification all or a portion of the parcel:

(a) Receipt of a written notice from the owner directing removal of the land from classification;

(b) Sale or transfer of the land to an owner exempt from paying property taxes, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the land for the same use as before;

(c) Any change in use that occurs after a request to withdraw classification is made in accordance with the provisions of WAC 458-30-285 and before actual withdrawal of the classification;

(d) Sale or transfer of all or a portion of classified land to a new owner who is not exempt from paying property taxes and who has not signed a notice of classification continuance, except a transfer to an owner who is an heir or devisee of a deceased owner;

(e) Failure of an owner to respond to a request for data pursuant to WAC 458-30-270;

(f) When the owner has sought a reclassification of the land because the land no longer meets the criteria of the classification under which it is classified or the owner has decided to change the use of the classified use thereby requiring a change in classification and the land does not meet the requirements of the new classification; or

(g) A determination by the assessor based on field inspections, analysis of income and expense data, or any other reasonable evidence that all or a portion of the parcel(s) of land no longer meets the criteria for classification under chapter 84.34 RCW.

(i) Example 1. During an on-site inspection of a parcel of classified farm and agricultural land, the assessor discovers that the land is no longer being used for commercial agricultural purposes because the five acre parcel has been paved over and is currently being used as a parking lot for school buses.

(ii) Example 2. Based on information released at a public meeting of the county planning commission, the assessor learns that an owner of classified timber land has harvested all forest crops from the classified land, the land has been platted, public services such as roads, sewers, and domestic water supply have all been made available to the platted land, and at least six houses have been built on the classified timber land.

(iii) The assessor must notify the owner in writing regarding this determination, but may not remove classification until the owner has had an opportunity to respond.

(iv) The owner must respond, in writing, to the assessor's inquiry about the use of the classified land no later than thirty calendar days following the date this inquiry was mailed.

(v) If the parcel of land in question is classified as open space land or timber land, the assessor may ask the granting authority to provide reasonable assistance in determining whether the classified land continues to meet the criteria for classification. The granting authority shall provide this assistance within thirty days of receiving the request for assistance.

(5) Notice to owner. Within thirty days after the removal of all or a portion of the land from classification, the assessor shall notify the owner in writing of the reason(s) for the removal.

(6) Right of appeal. The seller, transferor, or owner may appeal the removal of land from classification to the board of equalization of the county in which the land is located. The appeal must be filed within thirty calendar days following the date the notice of removal was mailed by the assessor.

(7) Assessor's duty after removal. Unless the removal is reversed on appeal, the assessor shall revalue the previously classified land by consulting the existing assessment rolls that contain both the current use and the true and fair value of the land. After the effective date of the removal, the assessor will list only the true and fair value of the land on the assessment roll. The assessment roll will list both the assessed valuation before and after the removal of classification. Taxes will be prorated according to the portion of the year to which each assessed valuation applies.

(8) Possible segregation after removal. If only a portion of the land is being removed from classification, the assessor may segregate the affected portion for valuation and tax purposes.

(9) Penalties due when land is removed. The additional tax, applicable interest, and penalty set forth in RCW 84.34.108 will be due when land is removed from classification unless the removal is the result on one of transactions exempt under that statute. (See WAC 458-30-300.)

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-300 Additional tax—Withdrawal or removal from classification. ~~((1) In the event classification is removed from a parcel(s) of land, an additional tax shall be collected. Such additional tax shall be equal to the sum of:~~

~~(a) The difference between the property tax that was levied on the current use value, and the tax that would have been levied on its true and fair value for the seven tax years preceding removal in addition to the portion of the tax year when the removal takes place; plus~~

~~(b) Interest on the amount determined under (a) of this subsection at the statutory rate specified in RCW 84.56.020 charged on delinquent property taxes; starting from May 1 of the year the tax could have been paid without interest to the date the additional tax is paid; plus~~

~~(c) A penalty of twenty percent added to the total amount computed in (a) and (b) of this subsection whenever there is a change in use that would disqualify the land from continued classification.~~

~~(2) If the notice of continuance on the affidavit is not signed, an additional tax and penalty shall be calculated according to subsection (1) of this section.~~

~~(3) There shall be no additional tax imposed upon removal of classification from a parcel(s) of land if such removal resulted solely from one or more of the following:~~

~~(a) Transfer to a governmental entity in exchange for other land located within the state of Washington; or~~

~~(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the~~

power of eminent domain in anticipation of the exercise of such power; or

(e) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land, whether the sale or transfer be made by the personal representative, heirs, or devisees of the deceased owner. If the owner of a fifty percent interest inherits the other fifty percent, the land will remain classified and said classification cannot be removed without paying the additional tax unless it is sold within two years. If the owner purchases the decedent's fifty percent interest within two years, classification may be removed without payment of the additional tax and penalty and without signing the notice of continuance. If the notice of continuance is signed, classification will continue as if no transfer occurred; or

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property; or

(e) Official action by an agency of the state of Washington or by the county or city where the land is located disallowing the current use of such land; or

(f) Transfer to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020. The conditions set forth in RCW 84.36.020 shall apply to the affected parcel of land only and shall not relieve any portion not so affected from the potential tax liability; or

(g) Acquisition of property interests by public agencies or private organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes specified therein. However, when these property interests are not used as specified, the additional tax shall be imposed.)

(1) Introduction. When land is withdrawn or removed from classification an additional tax and applicable interest are due. A penalty is also due when land is withdrawn, under certain circumstances, or removed. This section explains how the additional tax, applicable interest, and, if appropriate, penalty are calculated. It also sets forth the situations under which no additional tax, applicable interest, and/or penalty are due if land is withdrawn or removed from classification. The provisions of RCW 84.34.108 and 84.34.070(2) are outlined in this section.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. The process of reclassification is a voluntary act taken on the part of an owner of classified land when the land must either be removed from classification or transferred to another classification to remain eligible under chapter 84.34 or 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use

program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(c) "Withdrawal" means that the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to be withdrawn, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed the notice of intent to withdraw with the assessor at least two years prior to the assessment year the parcel must be valued at one hundred percent of true and fair value. Land is withdrawn from classified status by a voluntary act of the owner.

(3) Duties of assessor and county treasurer. When land is withdrawn from classification the assessor shall compute an additional tax and applicable interest and when land is removed from classification the assessor shall compute an additional tax, applicable interest, and penalty. As soon as possible after determining that the land is to be withdrawn or removed from classification, the assessor shall compute the amount of the additional tax, applicable interest, and, if appropriate, penalty, except as provided in subsection (6) of this section. The county treasurer shall mail a notice to the owner regarding the additional tax, applicable interest, and penalty due and the date on which the total amount is due. The additional tax, applicable interest, and penalty shall be due and payable to the county treasurer thirty days after the notice is mailed to the owner.

(4) Amount of additional tax, applicable interest, and penalty. The amount of additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax that was levied on the land based on its classified current use value and the tax that would have been levied on its true and fair value for the seven tax years preceding the withdrawal or removal, in addition to the portion of the tax year when the withdrawal or removal takes place;

(b) The amount of applicable interest shall be equal to the interest on the amount of additional tax determined under (a) of this subsection at the statutory rate, specified in RCW 84.56.020, charged on delinquent property taxes starting from the date the tax could have been paid without interest to the date the additional tax is paid; and

(c) The amount of penalty shall be twenty percent of the additional tax and applicable interest; that is, twenty percent of the total amount computed in (a) and (b) of this subsection. A penalty is not imposed when:

(i) The land has been classified for at least ten years at the time of declassification and the owner has given the assessor a request to withdraw classification two years in advance of the date the classified land will be withdrawn, in accordance with RCW 84.34.070; or

(ii) The change in use was the result of one of the circumstances listed in RCW 84.34.108(5). See subsection (6) of this section for a detailed list of these circumstances.

(5) Failure to sign notice of continuance. If a new owner fails to sign the notice of classification continuance

when classified land is sold or transferred, an additional tax, applicable interest, and penalty shall be calculated according to subsection (4) of this section.

(6) Exceptions - no additional tax, applicable interest, or penalty are due. When all or a portion of classified land is withdrawn or removed from classification, no additional tax, applicable interest, or penalty shall be imposed if the withdrawal or removal is the result of one or more of the following circumstances:

(a) Transfer to a governmental entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain or the sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent to exercise the power of eminent domain in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city in which the land is located disallowing the current use of classified land. For the purposes of this section, "official action" may include, but is not limited to, city ordinances, zoning restrictions, Growth Management Act, Shoreline Protection Act, and Environmental Protection Act(s);

(e) Transfer of land to a church when the land would qualify for property tax exemption pursuant to RCW 84.36.020. The conditions set forth in RCW 84.36.020 shall only apply to the affected parcel of land and shall not relieve any portion not so affected from the potential tax liability;

(f) Acquisition of property interests by public agencies or private organizations qualified under RCW 84.34.210 or 64.04.130 for the purposes specified therein. See subsection (7) of this section for a listing of these agencies, organizations, and purposes. However, when the property interests are not used for the purposes enumerated in these statutes, the additional tax, applicable interest, and penalty specified in subsection (4) of this section shall be imposed;

(g) Removal of the principal residence of a farm operator or owner or housing for farm and agricultural employees classified as farm and agricultural land under RCW 84.34.020 (2)(d); or

(h) The result of one of the following changes in classification:

(i) Reclassification from farm and agricultural land under RCW 84.34.020(2) to timber land under RCW 84.34.020(3), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(ii) Reclassification from timber land under RCW 84.34.020(3) to farm and agricultural land under RCW 84.34.020(2), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(iii) Reclassification from farm and agricultural conservation land under RCW 84.34.020 (1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land; or

(iv) Reclassification from forest land under chapter 84.33 RCW to open space land under RCW 84.34.020(1).

(7) Land acquired by agencies or organizations qualified under RCW 84.34.210 or 64.04.130. If the

purpose for acquiring classified land is to protect, preserve, maintain, improve, restore, limit the future use of, or conserve the land for open space purposes and otherwise conserve the land for public use or enjoyment and the classified land is acquired by any of the following entities, no additional tax, applicable interest, or penalty are due as long as the property is used for one of the purposes listed in this subsection:

(a) State agency;

(b) Federal agency;

(c) County;

(d) City;

(e) Town;

(f) Metropolitan park district;

(g) Metropolitan municipal corporation;

(h) Nonprofit historic preservation corporation as defined in RCW 64.04.130; or

(i) Nonprofit nature conservancy corporation or association as defined in RCW 84.34.250.

(8) Removal of classification from land that was previously classified or designated forest land under chapter 84.33 RCW. Land that was previously classified or designated as forest land under chapter 84.33 RCW may be reclassified under RCW 84.34.020. If the current use classification is subsequently removed before the land has been classified for at least ten assessment years under chapter 84.34 RCW, a combination of compensating tax and additional tax shall be due. RCW 84.33.145 explains the way in which these taxes are calculated.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-305 ((Additional tax—Date)) Due date of additional tax, applicable interest, and penalty upon withdrawal or removal. (((1) The additional tax and the penalty, if applicable, required upon removal of classification from a parcel(s) of land, pursuant to WAC 458-30-300 shall become due and payable immediately at the time of sale or transfer.

(2) In all other situations, the assessor shall compute the amount of additional tax and the county financial authority shall notify, in writing, the party liable for such tax of the amount and the date when the payment is to be made, which date shall be not more than thirty days following the date of mailing by the financial authority.

Any additional tax and applicable penalty that is unpaid on its due date shall thereon become delinquent. Such additional tax and applicable penalty shall attach at the time classification is removed from a parcel of land, and shall, as of said date, become a lien on such land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in same manner provided by law, for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as amended. Starting with the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.)) (1) Introduction. This section specifies the date upon which

the additional tax, applicable interest, and, if appropriate, penalty are due when land is withdrawn or removed from classification under chapter 84.34 RCW. This section also explains the consequences of failure to timely pay these charges.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Removal" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(b) "Withdrawal" means that the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to be withdrawn, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed the notice of intent to withdraw with the assessor at least two years prior to the assessment year the parcel must be valued at one hundred percent of true and fair value. Land is withdrawn from classified status by a voluntary act of the owner.

(3) Result of a sale or transfer. If a parcel of land is withdrawn or removed from classification because of a sale or transfer, the additional tax, applicable interest, and penalty, if owed, are due and payable at the time of the sale or transfer.

(4) General rule - withdrawal or removal due to all other circumstances. Except for a sale or transfer, the additional tax, applicable interest, and penalty, if owed, are due no later than thirty days after the date the county treasurer mails the written notice to the owner regarding the amounts owed. This notice shall also state the date upon which the amounts owed are due.

(5) Failure to timely pay - delinquency. Any additional tax, applicable interest, or penalty that is unpaid on its due date is delinquent. Interest shall be charged on the total amount due at the same rate as applied by law to delinquent property taxes (RCW 84.56.020) from the date of the delinquency until the date the total amount is paid in full.

(6) Additional tax, applicable interest, and penalty constitute a lien. When classification is withdrawn or removed from a parcel of land, the additional tax, applicable interest, and penalty shall become a lien on the parcel of land as of the date of withdrawal or removal. This lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which this land may become charged or liable. The lien may be foreclosed at the same time and in same manner provided by law for foreclosure of liens for delinquent real property taxes as set forth in RCW 84.64.050.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-310 County recording authority—Duties. (1) Introduction. This section explains the conditions under which documents will be accepted by the county recording authority under the provisions of chapter 84.34 RCW.

(2) Limited documents may be accepted. The county recording authority shall not accept for recording any instrument of conveyance involving a parcel of land classified according to ~~((the act))~~ chapter 84.34 RCW unless:

~~((1))~~ (a) Any required additional tax ~~((and))~~, applicable interest, and/or penalty has been paid; ~~((or~~

~~(2))~~ (b) The notice of continuance on the real estate excise tax affidavit is signed by the new owner or transferee; ~~or~~

(c) The land is to be removed from classification and the removal results solely from one of the exceptions listed in RCW 84.34.108(5) to the imposition of additional tax, applicable interest, and penalty. See also WAC 458-30-300 that implements this statute.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-315 County financial authority—Duties. (1) Introduction. This section explains the duties of the county financial authority when a parcel of land is withdrawn or removed from classification under chapter 84.34 RCW.

(2) Duties and responsibilities. The county financial authority shall ~~((, upon receipt of the notice of the current use value and the true and fair value from the assessor, list each in the place and manner provided for listing delinquent taxes:))~~ take the following actions:

~~((2))~~ (a) Upon receipt of a notice of withdrawal of classification from the assessor, the financial authority shall bill and collect all additional taxes and applicable interest due pursuant to RCW 84.34.070 and WAC ~~((458-30-290))~~ 458-30-300.

~~((3))~~ (b) Upon receipt of a notice of removal of classification ~~((notice))~~, the financial authority shall bill and collect all additional taxes, applicable interest, and penalties due pursuant to RCW 84.34.108 and WAC 458-30-300.

~~((4))~~ (c) Upon collection of the additional tax, applicable interest, and penalty by the financial authority, ~~((said))~~ these funds shall be distributed in the same manner ~~((that))~~ as current taxes applicable to the subject land are distributed.

(d) The financial authority shall treat ~~((all))~~ any additional ~~((taxes))~~ tax, applicable interest, and ~~((penalties which))~~ penalty that are not timely paid in the same manner as delinquent property taxes.

NEW SECTION

WAC 458-30-317 Principal residence of farm operator or housing for farm and agricultural employees.

(1) Introduction. Under RCW 84.34.020 (2)(d) the land on which the principal residence of the farm operator or owner of farm and agricultural land is situated and the housing for farm and agricultural employees is situated may be classified as farm and agricultural land.

This section explains the criteria that must be met to include this type of residence or employee housing within the farm and agricultural land classification and the procedure used to value a classified residence or housing.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Farm employee or farm and agricultural employee" means an individual who is employed on farm and agricultural land on a full time basis or a seasonal or migratory worker who works on farm and agricultural land only during the planting, growing, and/or harvesting seasons. The term also includes an individual who is employed at least twenty-five hours per week on farm and agricultural land. It does not include a person who is employed full time by a business activity that is not conducted on classified farm and agricultural land and who only works occasional weekends or during the harvest season on classified farm and agricultural land.

(b) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural purposes. For purposes of this section, the residence of the farm operator or owner and/or housing for farm employees must be the place(s) from which the farmer conducts his commercial agricultural business.

(c) "True and fair value" means the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use value. The term also refers to market value; that is, the amount of money a buyer willing but not obligated to buy would pay to a seller willing but not obligated to sell for the real property.

(3) **Requirements for classification.** The land on which the principal residence of a farm operator or the owner of land is situated and the housing for farm or agricultural employees is situated may be classified as farm and agricultural land if it meets the following conditions:

(a) The land on which the residence or housing stands is twenty or more acres or multiple parcels that are contiguous and total twenty or more acres; and

(i) Primarily used to produce livestock or agricultural products for commercial purposes; or

(ii) Enrolled in the federal Conservation Reserve Program or its successor administered by the United States Department of Agriculture; and

(b) The use of the residence or housing is integral to the use of the classified land for commercial agricultural purposes.

(4) **Examples.**

(a) On a parcel of land twenty acres or more, there are two dwellings: One is the principal residence of the farm operator or owner of classified farm and agricultural land and the second is inhabited by the owner's son who is employed full time at a foundry in town and works on the farm only during harvest time. The land on which the principal residence is situated may be classified as farm and agricultural land if the use of the dwelling is integral to the use of the classified land. The land on which the second home is situated may not be included within the farm and agricultural land classification because it is not inhabited by a farm employee as defined in subsection (2) of this section.

(b) On a parcel of land twenty acres or more, there are two dwellings: One is the principal residence of the farm

operator or owner of farm and agricultural land and the second is inhabited by seasonal farm workers who work on the farm only during harvest time. The land on which both dwellings are situated may be classified as farm and agricultural land if the use of the dwellings are integral to the use of the classified land.

(c) On a parcel of classified land that is twenty acres, there is one dwelling. This dwelling is occupied by the owner of the classified land but the owner does not run the farm. The farm is leased to a cooperative that conducts the commercial agricultural activities of the farm from central administrative headquarters that are not located on the classified land. The land on which this dwelling stands may not be classified as farm and agricultural land because the use of the dwelling is not integral to the commercial agricultural purposes of the farm.

(5) **Valuation.**

(a) The land. The land on which the principal residence of a farm operator or owner of farm and agricultural land or the housing for farm and agricultural employees is situated shall be valued in the following manner:

(i) The prior's year average value of classified farm and agricultural land in the county; plus

(ii) The value of land improvements used to serve the residence or housing, such as sewer, water, and power.

(iii) If the use of the residence or housing for employees is not integral to the farming operation, the land on which the residence or housing stands shall be valued at its true and fair value in accordance with WAC 458-12-301.

(b) The principal residence or housing for employees. The building(s) used by the farm operator or owner as his or her principal residence and building(s) used to provide shelter to farm and agricultural employees shall be valued at its true and fair value in accordance with WAC 458-12-301.

(c) Excluded structures. The land on which storeyards, barns, machine sheds, and similar type structures are located shall not be considered as part of the principal residence of the farm operator or owner nor housing for farm and agricultural employees. However, the land upon which these structures stand may be classified as farm and agricultural land generally.

(6) **Withdrawal or removal.** If land that was granted classification under RCW 84.34.020 (2)(d) and this section is withdrawn or removed from classification, no additional tax, applicable interest, and penalty, if owed, are due.

(7) **Effect of 1992 legislation on county revaluation cycle.** Land on which the farm owner's or operator's residence is located and land on which the housing for farm and agricultural employees is located shall be revalued in accordance with the 1992 legislative changes, described in subsection (5) of this section, only in the assessment year when the land is being revalued in accordance with the county's revaluation cycle.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-320 Assessment and tax rolls. (~~Following classification of a parcel of land, the assessor shall, each year,)~~ (1) **Introduction.** This section explains the manner in which land classified under chapter 84.34 RCW is to be listed on the assessment and tax rolls.

(2) Listing of current use land. When land has been classified under chapter 84.34 RCW, the assessor shall annually enter on the assessment and tax rolls, the current use value and the true and fair value of that ~~((parent))~~ land. The assessor shall provide notice of these values to the county financial authority who shall list ~~((such notice in the place or manner provided for recording delinquent taxes))~~ these values in the place and manner provided for public recording of tax liens on real property.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-325 Transfers between classifications—Application for reclassification. ~~((There shall be no additional tax imposed when:~~

~~(1) Land classified as farm and agricultural is transferred to timber land pursuant to chapter 84.34 RCW;~~

~~(2) Land classified as timber land, pursuant to chapter 84.34 RCW, is transferred to the farm and agricultural land classification;~~

~~(3) Land classified or designated as forest land pursuant to chapter 84.33 RCW, is transferred to the farm and agricultural or timber land classifications pursuant to chapter 84.34 RCW; or~~

~~(4) Timber land classified pursuant to chapter 84.34 RCW, is transferred to designated forest land pursuant to chapter 84.33 RCW.)~~ **(1) Introduction.** This section discusses the process by which classified land is reclassified under another classification of chapter 84.34 RCW or under chapter 84.33 RCW.

(2) Definitions. For purposes of this section the following definitions apply:

(a) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to another classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. The process of reclassification is a voluntary act taken on the part of an owner of classified land when the land must either be removed from classification or transferred to another classification to remain eligible under chapter 84.34 RCW or 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as either timber or open space land under the provisions of chapter 84.34 RCW or as forest land under the provisions of chapter 84.33 RCW.

(b) "Removal" means that all or a portion of land classified under the provisions on chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(3) General information - when reclassification is required. When the current use program was revised in 1992, the statutes were changed to allow a transfer or reclassification between the different classifications of

chapter 84.34 RCW and forest land under chapter 84.33 RCW. The following circumstances may cause reclassification to be sought:

(a) The classified land is no longer being used for the purpose for which it was granted classification;

(b) The owner or new owner of classified land has decided to change the use of classified land;

(c) The classified land no longer meets the requirements of the classification under which it was granted classification; for example, farm and agricultural land that does not produce the minimum income required by RCW 84.34.020 (2)(b) and (c);

(d) The new owner is an heir or devisee of a deceased owner who held classified land and the new owner either does not or cannot meet the requirements of the classification under which it was granted classification; or

(e) The assessor has determined that the classified land is no longer eligible under the existing classification and the land must either be reclassified or removed from classification.

(4) Reclassification process if land is subject to removal. Within thirty days of receiving notice from the assessor that the classified land is to be removed from the current use program, the owner must submit an application for reclassification to another classification under chapter 84.34 or 84.33 RCW. The removal notice shall include a statement that informs the owner of the classified land that he or she may seek reclassification. If the application for reclassification is submitted within thirty days, the classified land shall not be removed from classification until the application for reclassification is approved or denied.

(5) Reclassification when owner seeks change of classification. An owner of land classified under 84.34 RCW may seek reclassification of that land under a different current use classification or may seek classification or designation as forest land under chapter 84.33 RCW. The owner of classified land may seek reclassification because of a desire to change the use of the classified land or because he or she does not want to meet or cannot meet the requirements of the classification under which the land is currently classified.

(a) The owner must submit an application for reclassification to the assessor of the county in which the land is located. This form shall be designed by the department and supplied to county assessors.

(b) Within seven days of receipt of this request, the assessor shall forward a copy of this application for reclassification to the appropriate granting authority. The assessor shall retain a copy of all applications for reclassification.

(c) The status of classified land for which reclassification is sought shall not be changed until the application for reclassification is approved or denied.

(6) Application procedure. An application for reclassification shall be handled in the same manner as an initial application for classification. All classification requirements of RCW 84.34.035 for farm and agricultural land, RCW 84.34.037 for open space land, RCW 84.34.041 for timber land, and chapter 84.33 RCW for forest land must be satisfied in order to reclassify land. (These requirements are also described in WAC 458-30-225, 458-30-230, 458-30-232, and chapter 458-40 WAC.)

(a) When evaluating an application for reclassification, the granting authority will follow the same procedures it has for processing an initial application for classification under chapter 84.34 or 84.33 RCW.

(b) An application for reclassification may be approved or denied in whole or in part.

(i) The granting authority shall notify the applicant in writing of the extent to which the application for reclassification is approved or denied.

(ii) The applicant shall have the same appeal rights in relation to a denial of an application for reclassification as he or she has in regards to an initial application for classification.

(iii) If an application for reclassification is denied, the assessor shall remove the land from classification and shall calculate the additional tax, applicable interest, and penalty in the manner set forth in WAC 458-30-300.

(7) Reclassifications exempt from additional tax. No additional tax, applicable interest, and penalty are due when the reclassification is a result of any of the following transfers between classifications:

(a) Reclassification from farm and agricultural land under RCW 84.34.020(2) to timber land under RCW 84.34.020(3), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(b) Reclassification from timber land under RCW 84.34.020(3) to farm and agricultural land under RCW 84.34.020(2), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(c) Reclassification from farm and agricultural conservation land under RCW 84.34.020 (1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land; or

(d) Reclassification from forest land under chapter 84.33 RCW to open space land under RCW 84.34.020(1).

(8) Income criteria of land to be reclassified. The income criteria relating to the following reclassifications may be deferred for a period of up to five years from the date of reclassification when:

(a) Land classified as farm and agricultural conservation land under RCW 84.34.020 (1)(c) or timber land under RCW 84.34.020(3) is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) and (c); or

(b) Land classified or designated as forest land under chapter 84.33 RCW is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) and (c).

(9) Valuation of reclassified land. The assessed value of land that has been reclassified shall reflect the new classification as of January 1 of the assessment year following the reclassification. For example, if an application for reclassification from farm and agricultural land to open space/farm and agricultural conservation land is submitted on February 15, 1993, and approved effective June 1, 1993, the land shall be valued and assessed as open space/farm and agricultural conservation land on January 1, 1994, and shall pay taxes on this new assessed value in 1995.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-330 Rating system—Authorization to establish. (1) Introduction. This section sets forth the general authority that has been conferred on a county legislative authority to establish an open space plan and a public benefit rating system under RCW 84.34.055.

(2) General authorization. The county legislative authority may direct the county planning (~~(authority)~~) commission to set open space priorities and to adopt, following a public hearing, an open space plan and a public benefit rating system for the county. The open space plan shall include, but is not (~~(be)~~) limited to, the following:

(~~(1)~~) (a) Criteria to determine (~~(land)~~) eligibility of land;

(~~(2)~~) (b) A process for establishing a public benefit rating system; and

(~~(3)~~) (c) An (~~(assessor developed)~~) assessed valuation schedule that shall be developed by the assessor and shall be a percentage of (~~(market)~~) true and fair value based on the public benefit rating system.

(3) Public hearing required. At least one public hearing must be held before an open space plan, a public benefit rating system, or an assessed valuation schedule may be approved by the county legislative authority.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-335 Rating system—(~~(Establishment)~~) Procedure to establish. (1) Introduction. This section discusses the factors that must be considered when a public benefit rating system is established under RCW 84.34.055. It also includes a nonexclusive list of recognized sources to be used in determining open space priorities.

(2) Rating of land. The public benefit rating system shall provide for the rating of parcel(s) of land classified as open space (~~(according to the provisions of the act)~~) under chapter 84.34 RCW.

(3) Criteria. The (~~(granting)~~) county legislative authority shall include within the public benefit rating system the criteria contained in (~~(the act and)~~) chapter 84.34 RCW. The granting authority shall consider (~~(such)~~) this criteria when acting on an application (~~(to preserve the current use of the parcel(s))~~) for classification or reclassification.

(4) Open space plan-recognized sources. In developing the open space plan, the county planning authority shall take all reasonable steps to determine open space priorities, or use recognized sources for the same purpose, or both.

(a) Recognized sources of open space priorities include, but are not limited to:

(i) The natural heritage data base(~~(s)~~);

(ii) The state office of historic preservation(~~(s)~~);

(iii) The interagency committee for outdoor recreation inventory of dry accretion beach and shoreline features(~~(governmental)~~);

(iv) The state, national, county, and/or state registers of historic places (~~(registers)~~);

(v) The shoreline master program(~~(s)~~); or

(vi) Studies conducted by the parks and recreation commission(~~(s)~~) and by the departments of fisheries, natural resources, and wildlife.

(b) Particular features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-340 Rating system—Adoption—Notice to owner—Loss of ((qualification)) classification. ((Upon adoption of the open space plan and rating system, an owner of land classified as open space will be notified of the parcel's new assessed value. A parcel of land that no longer qualifies for classification will not be removed from classification, but will be rated according to the rating system. Such a parcel may be removed from classification upon request of the owner without application of the additional tax or penalty within thirty days after receiving notification of the new value.)) (1) Introduction. This section outlines the procedures that must be followed when an open space plan and a public benefit rating system have been approved and the effects of this adoption on owners of land classified as open space at the time of adoption under the provisions of RCW 84.34.055.

(2) Notice to owner upon classification - request for removal. When the county legislative authority has adopted an open space plan and a public benefit rating system, the assessor shall notify all owners of land classified as "open space" of the new assessed value of their land in the same manner as provided in RCW 84.40.045.

(a) Within thirty days of receipt of this notice of new assessed value, the owner may request that the parcel(s) of land be removed from the classification without additional tax, interest, or penalty.

(b) If land classified as open space no longer qualifies for this classification after an open space plan and a public benefit rating system are adopted, the land shall not be removed from the open space classification, but it may be rated in accordance with the public benefit rating system.

(3) No partial removal. There shall be no partial removal of a parcel of land included in the rating system.

AMENDATORY SECTION (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

WAC 458-30-345 Advisory committee. (1) Introduction. This section explains how the advisory committee mandated by RCW 84.34.145 is formed, the type of advice this committee may give the assessor, and the consequences of not forming this committee.

(2) Formation. The county legislative authority shall appoint a five-member advisory committee representing the active farming community to advise the assessor in implementing assessment guidelines as established by the department for open space, farm and agricultural ((land)), and timber land classified under the provisions of chapter 84.34 RCW, unless the county legislative authority finds insufficient interest by the farming community in the formation of ((the)) such a committee.

(a) The committee shall elect officers and adopt operating procedures.

(b) All meetings and records shall be open to the public according to chapters 42.30 and 42.17 RCW.

(c) Upon appointment, each member of the advisory committee shall serve a one-year term.

(d) Members may be removed from the advisory committee by majority vote of the county legislative authority.

(3) Type of advice. The advisory committee shall not give advice regarding the valuation or assessment of specific parcels of land. However, it may supply the assessor with advice on typical crops, land quality, and net cash rental assessments to assist the assessor in determining appropriate values.

(4) Failure to appoint advisory committee. Failure of the county legislative authority to appoint an advisory committee shall not invalidate the listing of property on the assessment or the tax rolls.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-350 Reclassification of lands classified under chapter 84.34 RCW prior to 1973. (1) Introduction. This section explains the affect of the 1973 act on land that was classified under chapter 84.34 RCW prior to July 16, 1973.

(2) General reclassification mandated. Land classified under the provisions of chapter 84.34 RCW prior to July 16, 1973, ((meeting the definition of farm and agricultural land pursuant to RCW 84.34.020(2) as amended by chapter 212, Laws of 1973 1st ex. sess., shall be reclassified as such upon request for such change by the owner to the assessor)) that meets the criteria for classification under the provisions of chapter 84.34 RCW, as amended, is hereby reclassified. ((Such))

(a) This change shall be made without additional tax, applicable interest, penalty, or other requirements.

(b) After ((such reclassification)) it has been reclassified, the land shall be fully subject to the provisions of ((the act)) chapter 84.34 RCW.

(c) If prior to July 16, 1973, the granting authority imposed a condition upon land classified as open space or timber land, the condition shall remain in effect during the period of classification.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-355 Agreement may be abrogated by legislature. (1) Introduction. This section explains that the agreement to tax according to current use is a noncontractual agreement that may be annulled or cancelled at any time by the legislature.

(2) No contractual obligation. The agreement to tax land according to its current use is not a contract between the owner and any other party ((and)). This agreement can be abrogated, annulled, or cancelled at any time by the legislature~~(s)~~ in which event no additional tax, interest, and/or penalty shall be imposed. In other words, if the changes made to the Open Space Taxation Act or chapter 84.34 RCW by the legislature cause classified land to be removed from classification, the owner of the land shall not be required to pay the additional tax, interest, or penalty that is generally imposed when land is removed from classification.

(a) Example 1. The legislature eliminates the timber land classification from chapter 84.34 RCW. All land classified as timber land shall be removed from classification and no additional tax, interest, or penalty will be imposed because the legislature caused the removal of the land when it eliminated the timber land classification from the Open Space Taxation Act.

(b) Example 2. The legislature amends RCW 84.34.020(2) so that only parcels of twenty acres or more may be granted classified status as farm and agricultural land. All parcels of classified farm and agricultural land that are less than twenty acres in size may be removed from classification and no owner of such land may be required to pay any additional tax, interest, or penalty because the legislature's action caused the removal of the land.

NEW SECTION

WAC 458-30-360 Correction of erroneous classification or reclassification. (1) **Introduction.** If an application for classification or reclassification is approved and the land is mistakenly placed in the wrong classification, the assessor has the authority to correct this error under RCW 84.34.045. This section explains the assessor's responsibility and authority to correct classification or reclassification errors. RCW 84.34.045 and this section will expire on December 31, 1995.

(2) **General authority to correct errors.** When an application for the classification or reclassification of land under RCW 84.34.020 (1), (2), or (3) is approved and the land is placed in the wrong classification, the assessor may correct the error and place the land in the correct classification.

(a) After discovery of the error in classification, the assessor may ask the owner to submit additional information to determine if the land will qualify under another classification set forth in RCW 84.34.020.

(b) The owner is not required to submit a new application for classification or reclassification, but the assessor may request a new application if he or she feels that the circumstances have substantially changed or a substantial amount of time has passed since the original application was submitted.

(c) If, after discovery of the error, the assessor determines that the land does not meet the criteria for any classification set forth in RCW 84.34.020 and should not have been classified under chapter 84.34 RCW, the land shall be removed from classification and the additional tax, applicable interest, and penalty imposed by RCW 84.34.108 shall be collected.

(3) **Notice of correction required.** When the assessor extracts the land from the erroneous classification and places it in the correct classification, the assessor shall notify the landowner of this correction. The assessor shall also notify the owner of the requirements necessary to keep the land classified in the corrected classification.

(4) **No additional tax due on correction.** The correction of errors made in accordance with this section is not considered a withdrawal or removal from classification and no additional tax, applicable interest, and/or penalty imposed by RCW 84.34.108 are due.

(5) **Expiration date.** RCW 84.34.045 that gives the assessor the ability to correct erroneous classifications or reclassifications will expire on December 31, 1995. Consequently, this section will also expire on December 31, 1995.

AMENDATORY SECTION (Amending Order PT 87-3, filed 3/10/87)

WAC 458-30-500 Definitions of terms used in WAC 458-30-500 through 458-30-590. ((For the purposes of WAC 458-30-500 through 458-30-590, unless otherwise required by the context:

(1) "Farm and agricultural land" means that land classified by the assessor, prior to creation of the district, as farm and agricultural under chapter 84.34 RCW.

(2) "Local government" means any city, town, county, sewer district, water district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction or improvement purposes.

(3) "District" means any local improvement district, utility local improvement district, local utility district, road improvement district or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts.

(4) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract, "owner" means the contract vendee.

(5) The term "average rate of inflation" means the annual rate of inflation as adopted each year by the department of revenue according to WAC 458-30-580 averaged over the period of time as provided in WAC 458-30-550 and 458-30-570.

(6) "Special benefits assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement.

(7) "Connection charge" or "charge for connection" is the charge required to be paid to the district for connection to the service as opposed to the assessment based upon the benefits derived.) (1) **Introduction.** This section sets forth the definitions to be used in administering and understanding the statutes and rules relating to special benefit assessments on classified farm and agricultural and timber land.

(2) **Definitions.** For the purposes of WAC 458-30-500 through 458-30-590, unless otherwise required by the context, the following definitions apply:

(a) "Average rate of inflation" means the annual rate of inflation adopted each year by the department of revenue in accordance with WAC 458-30-580 averaged over the period of time provided in WAC 458-30-550 and 458-30-570.

(b) "Connection charge" or "charge for connection" means the charge required to be paid to the district for connection to the service as opposed to the assessment based upon the benefits derived.

(c) "District" means any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to the districts.

(d) "Farm and agricultural land" means land classified under the provisions of RCW 84.34.020(2); in other words, one of the following:

(i) Any parcel of land twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size when the land is:

(A) Primarily used to produce livestock or agricultural products for commercial purposes;

(B) Enrolled in the federal Conservation Reserve Program or its successor administered by the United States Department of Agriculture; or

(C) Primarily used in similar commercial agricultural activities as may be established by rule.

(ii) Any parcel of land or contiguous parcels of land at least five acres, but less than twenty acres, in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(B) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iii) Any parcel of land or contiguous parcels of land less than five acres in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One thousand dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(B) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iv) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified pursuant to RCW 84.34.020 (2)(a) is situated if:

(A) The housing or residence is on or contiguous to the classified parcel; and

(B) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes.

(e) "Final assessment roll" means a final special benefit assessment roll approved or confirmed by local government for the purpose of levying special benefit assessments against property specially benefited by a sanitary and/or storm sewerage system, domestic water supply and/or distribution system, or road construction and/or improvement.

(f) "Local government" means any city, town, county, sewer district, water district, public utility district, port district, irrigation district, flood control district, or any other

municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction and/or improvement purposes.

(g) "Owner" means:

(i) Any person(s) having the fee interest in land, except that where land is subject to real estate contract; and

(ii) The vendee when the land is subject to a real estate contract.

(h) "Removal" or "removed" means that all or a portion of land classified under the provisions of chapter 84.34 RCW must be removed from classification because the land is no longer being used for the purpose for which classification was granted or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295.

(i) "Special benefits assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and that may be levied only for the special benefits to be realized by property because of the local improvement.

(j) "Timber land" means land classified under the provisions of RCW 84.34.020(3); in other words, any parcel of land five or more acres in size or multiple parcels of land that are contiguous and total five or more acres in size that is primarily used to commercially grow and harvest forest crops. "Timber land" refers only to the land.

(k) "Withdrawal" or "withdrawn" means that the owner of land classified under the provisions of chapter 84.34 RCW has filed a notice of request to withdraw all or a portion of the land from classification. In order to be withdrawn, the parcel(s) of land must have been classified for a minimum of ten years and the owner must have filed a notice of intent to withdraw with the assessor at least two years prior to the assessment year the parcel must be valued at one hundred percent of true and fair value. Land is withdrawn from classified status by a voluntary act of the owner.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-510 Creation of district—Protest—Adoption of final assessment roll. (1) Introduction. RCW 84.34.320 requires local government officials to take certain steps upon "creation" of a district and upon adoption or confirmation of a final assessment roll. This section defines when a district shall be deemed to have been "created" and when a final assessment shall be deemed "adopted" or "confirmed."

((1)) (2) Exemption from special benefit assessments. Any farm and agricultural or timber land classified in accordance with the provisions of chapter 84.34 RCW shall be exempt from special benefit assessments or charges

PROPOSED

in lieu of assessment for such purposes as long as the classified land remains in classification if the legislative authority of a local government adopts a resolution, ordinance, or legislative act:

(a) To create a local improvement district in which the classified land is included or would have been included but for the classification designation; or

(b) To approve or confirm a final specific benefit assessment roll that would have included the classified land but for the classification designation relating to a:

- (i) Sanitary and/or storm sewerage system;
- (ii) Domestic water supply and/or distribution system;

or
(iii) Road construction and/or improvement.

(3) When a district is deemed to be created.

(a) For districts outside of cities, a district shall be considered created upon its actual adoption at the required public hearing.

((2)) (b) For districts within cities, creation shall occur thirty days after passage of the ordinance ordering the improvement, thereby allowing the protest period set forth in RCW 35.43.180.

((3)) (4) Protest the formation of a district.

(a) For districts within cities, a protest may be filed with the city or town council within thirty days ((from)) of the date ((of passage of)) the ordinance ordering the improvement is passed. Creation of ((said)) a district can be prevented by the property owners within the district whose combined payments for said improvement(s) are equal to, or in excess of, sixty percent of the cost of the improvement.

(b) For all other districts, their creation can be prevented by ((opposition of)) the property owners within those districts whose combined property ownership is equal to, or greater than, forty percent of the area to be included in the district.

((4)) (5) Final assessment roll.

For those districts that have an annual assessment roll hearing on capital assessments, the final assessment roll will be considered as "adopted" upon confirmation of the roll at the hearing in the first year.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-520 Notification of district—Certification by assessor—Estimate by district. (1) **Introduction.** This section explains the procedures that follow the creation of a district.

(2) Notice to assessor and legislative authority. Upon creation of a district, the local government shall immediately notify the assessor and legislative authority of the county where the district is located of ((said)) its creation.

((2)) (3) Assessor duties. Upon receipt of notification that a district has been created, the assessor shall certify in writing to the district whether or not classified farm and agricultural or timber land is within its boundaries.

(a) If there is any ((such)) classified farm and agricultural or timber land within the district boundaries, the assessor shall certify what land is within its boundaries by providing parcel numbers and legal descriptions of ((such)) the property.

(b) If any owner of land within the created district has timely filed, as of January 1st, an application for current use ((assessment)) classification or reclassification as farm and agricultural or timber land and no action has been taken, the assessor will report the status of the pending application(s) to the district ((and)). The assessor shall take immediate action to render a decision for ((its)) the approval or denial of this application. The assessor shall also inform the district that any decision regarding classification or reclassification is appealable under RCW 84.34.035((7)) and that the classification or reclassification as farm and agricultural or timber land would become effective as of the initial filing date, January 1.

(c) If the legislature extends the filing date for applying for classification or reclassification as farm and agricultural or timber land beyond December 31, those applications approved will receive their status as of January 1 of the filing year.

((3)) (4) District duties. The district, upon receipt of the assessor's certification required by subsection ((2)) (3) of this section, shall notify the assessor and the legislative authority of((

((a)) the extent to which classified lands may be subject to a partial assessment for connection to the service provided by the improvement(s). Said estimate will be based upon WAC 458-30-560.

~~((b) Confirmation and approval of the special benefit assessment roll. Said confirmation shall include the lands exempted from assessment and the amounts that would have been levied had the land not been exempt.~~

((4)) (5) If land is removed from classification. The assessor shall notify the district when any ((exempt)) farm and agricultural or timber land is removed from current use classification.

NEW SECTION

WAC 458-30-525 Notification of final assessment roll. (1) **Introduction.** This section explains the procedures outlined in RCW 84.34.320 that follow the adoption or confirmation of a final special benefit assessment roll.

(2) Notice to assessor, legislative authority, and treasurer required. When a local government approves or confirms a final assessment roll, it shall file a notice of this action with the assessor, legislative authority, and treasurer of the county in which classified farm and agricultural or timber land is located. This notice shall describe:

- (a) The action taken;
- (b) The type of improvement involved;
- (c) The land exempted from special benefit assessments; and
- (c) The amount of special benefit assessments that would be levied against the land if the land was not exempt.

(3) Effect of notice. If local government has filed a notice signifying the adoption of a final assessment roll with the assessor and treasurer of the county in which land exempt from special benefits is located, the notice shall serve as constructive notice to a purchaser or encumbrancer of the affected land and to any person who subsequently executes or records a conveyance or encumbrance that the land is subject to special benefits assessment when the farm

and agricultural or timber land is removed or withdrawn from its current use classification.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-530 Notification of owner regarding creation of district. (1) **Introduction.** This section explains the assessor's duty to notify an owner of classified farm and agricultural or timber land when a local improvement district is created.

(2) **Assessor to notify owner.** The assessor, upon receiving notice ~~((of the creation of such))~~ that a district was created, shall notify the owner of the farm and agricultural or timber lands as shown on the current assessment rolls of this fact. ~~((Such))~~ This notification shall be made on forms approved by the department of revenue and shall contain the following:

~~((1))~~ (a) Notice of the creation of the local improvement district~~((-))~~;

~~((2))~~ (b) Notice of the exemption of ~~((that))~~ classified farm and agricultural or timber land from special benefit assessments~~((-))~~;

~~((3))~~ (c) Notice that the farm and agricultural or timber land will become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the district before ~~((confirmation of))~~ the final special benefit assessment roll~~((-))~~ is confirmed;

~~((4))~~ (d) Notice of potential liability if the exemption is not waived and the land is subsequently withdrawn or removed from the farm and agricultural or timber land classification~~((-))~~;

~~((5))~~ (e) The portion of the land measured as the benefited "residence" as provided in WAC 458-30-560 will be assessed for benefits received~~((-))~~;

~~((6))~~ (f) That connection to the system~~((-))~~ shall result in a connection charge~~((-))~~; and

~~((7))~~ (g) That connection to the system subsequent to ~~((creating))~~ the creation of the district and the initial final assessment will result in being liable for the amounts as calculated in WAC 458-30-570.

~~((8))~~ (3) **Owner's right to appeal.** The property owner shall have the same right of appeal ~~((as))~~ that is guaranteed to any other property owner within the district.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-540 Waiver of exemption. (1) **Introduction.** This section explains the owner's right to waive the exemption relating to special benefit assessments as set forth in RCW 84.34.320.

(2) **Owner may waive exemption.** The owner of land exempted from special benefit assessments may waive ~~((that))~~ this exemption by filing a notarized statement to that effect with the legislative authority of the local government creating the district after receiving notice from local government concerning the assessment roll hearing. ~~((Said))~~ This statement must be filed ~~((prior to confirmation of))~~ before the local government confirms the final special benefit assessment roll.

~~((2))~~ (3) **Copy of waiver to assessor.** A copy of ~~((said))~~ this waiver shall be filed by the local government with the assessor and the county legislative authority, but the failure ~~((of such filing))~~ to file this document shall not affect the waiver.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-550 Exemption—Removal or withdrawal. (1) ~~((No further action will be required of the owner of classified farm and agricultural land who chooses to remain exempt and not connect to the improvement(s) made by the district. The status of the property will not change and it will not be included on the assessment roll.))~~ **Introduction.** This section explains the process that must be followed when classified land subject to a special benefit assessment is withdrawn or removed from the farm and agricultural classification.

(2) **General treatment of land.** After the creation of a district or the adoption and confirmation of a final assessment roll, an owner of classified farm and agricultural or timber land who wishes it to be exempt from special benefit assessments is not required to take any further action. The land will retain its classified status; it will not be connected to the improvement(s) or be listed on the final assessment roll.

~~((2))~~ (3) **Subsequent withdrawal or removal.** If the owner initially chose to remain exempt, but subsequently is removed or withdrawn from the farm and agricultural or timber land classification, ~~((immediate payment shall be required of the total special benefit assessment amount listed in the notice provided for in RCW 84.34.320))~~ the owner shall become liable to pay for the special benefit assessment in the following manner:

(a) If the bonds used to fund the improvement have not been completely retired when the land is withdrawn or removed from classification, the liability will be:

(i) The amount of the special benefit assessment ~~((plus))~~ listed in the notice provided for in RCW 84.34.320 and;

(ii) Interest on that amount, compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed by the governmental entity creating the district to the time the land is withdrawn or removed from exempt status~~((-))~~; or

(b) If the bonds used to fund the improvement in the district have been completely retired when the land is withdrawn or removed from classification, immediate payment shall be due for:

(i) The amount of the special benefit assessment ~~((plus))~~ listed in the notice provided for in RCW 84.34.320;

(ii) Interest on that amount compounded annually at a rate equal to the average rate of inflation from the time the initial notice is filed to the time the bonds used to fund the improvement ~~((have been))~~ were retired, ~~((plus))~~ and;

(iii) Interest on the total amount of (i) and (ii) at a simple per annum rate equal to the average rate of inflation from the time the bonds used to fund the improvement ~~((have been))~~ were retired to the time the land is withdrawn or removed from exempt status.

~~((3) If property is withdrawn or removed from the farm and agricultural land classification, but has been partially assessed for connection to a sewer and/or water system, credit shall be given for the amount paid when computing the total liability.))~~ **(4) Withdrawal or removal of land with partial assessment.** If land is withdrawn or removed from classification and a partial special benefit assessment has been paid because the classified land was connected to a domestic water system, sewerage facility, or road improvement, the amount of partial assessment paid shall be credited against the total amount due for special benefit assessments.

(5) Due date of special benefit assessment upon withdrawal or removal. When land is to be withdrawn or removed from farm and agricultural or timber land classification and an amount of special benefit assessments is due, the amount of special benefit assessments shall be due on the date the land is withdrawn or removed from its classification. This amount shall be a lien on the land prior and superior to any other lien whatsoever except for general taxes and shall be enforceable in the same manner as special benefit assessments are collected by local government.

(6) Notice of withdrawal or removal to local government and land owner. When farm and agricultural or timber land is withdrawn or removed from classification, the assessor of the county in which the land is located shall send a written notice of the withdrawal or removal to the local government, or its successor, that filed the original notice regarding creation of a district with the assessor. After receiving this notice, the local government shall mail a written statement setting forth the amount of special benefit assessments due to the owner of the farm and agricultural or timber land withdrawn or removed from classification. This amount shall be delinquent if it is not paid within one hundred eighty days of the date the statement is mailed and is subject to the same interest, penalties, lien, priority, and enforcement procedures that are applicable to delinquent assessments on the final assessment roll from which the land was exempted, except the rate of interest charged shall not exceed the rate provided in RCW 84.34.330.

(7) Partial withdrawal or removal of land exempt from special benefit assessments. If a portion of classified farm and agricultural or timber land exempt from special benefit assessments is withdrawn or removed from classification, the previously exempt benefit assessments shall be due only on the portion of the land being withdrawn or removed.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-560 Partial special benefit assessment—Computation. **(1) Introduction.** When classified farm and agricultural or timber land is connected to a domestic water system, sewerage facilities, or road improvements, a partial special benefit assessment will be made. This section explains the manner in which this partial assessment is calculated.

(2) General obligation. A portion of the exempt classified farm and agricultural land shall be subject to special benefit assessment if it is actually connected to the domestic water system or sewerage facilities, or for access to a road improvement.

(3) Amount of partial assessment. The amount of special benefit assessment shall be calculated by the method used in the district to assess nonexempt property. If a district uses more than one method to calculate the assessment, it shall use the one that results in the least cost to the property owner, regardless of the owner's property holdings and/or exempt status. The district shall provide the owner of ~~((such))~~ the property with a written estimate of the partial assessment as determined from the following methods:

~~((+))~~ **(a)** For assessments relating to sanitary and/or storm sewerage service or domestic water service ~~((+))~~ one of the following methods shall be used:

(i) Square foot method: If the special benefit assessment is determined on a square footage basis, the assessable portion of the exempt land shall be determined as follows:

(A) Calculate the square footage of the residential area, i.e., the "main dwelling."

(B) This area shall include all those facilities normally found on a residential lot such as a garage or carport, driveway, front and back yards, etc. Also included in the area shall be any buildings or facilities directly benefited by an actual connection to the improvement. (For example: A dairy barn connected to a sewer or water system.)

~~((+))~~ **(ii)** Front foot method: If the special benefit assessment is determined on a front footage basis, the assessable portion of the exempt land shall be determined by one of the following:

~~((+))~~ **(A)** Calculate the square footage for the residential area in the same manner as the square foot method. The square foot measurement of the entire "residence," shall then be converted into the area of a square. The calculated square will be used as the unit to be charged for the special benefit assessment. One side of the square will be used as front footage; or

~~((+))~~ **(B)** Determine the mean (average) front footage of all nonexempt properties within the district, and use it to assess the portion of otherwise exempt property for the special benefit assessment, i.e., add all of the nonexempt front footage relevant to the improvement and divide by the number of nonexempt properties within the district.

~~((+))~~ **(iii)** Zone-termini method: If the special benefit assessment is determined on a zone-termini basis, the assessable portion of the exempt land shall be determined by one of the following:

~~((+))~~ **(A)** Convert the square foot area of the residence to a square as in the front foot method. Use this square as the zone for assessing the portion of otherwise exempt property for the special benefit assessment; or

~~((+))~~ **(B)** Calculate the mean (average) width and depth (length) of all nonexempt properties within the district, using these averages to create a rectangular unit as the zone for assessing the portion of otherwise exempt property for the special benefit assessment. To perform this calculation:

~~((+))~~ **(I)** Add all nonexempt front footage relevant to the improvement and divide by the number of nonexempt properties within the district to determine the mean width of the zone; and

~~((+))~~ **(II)** Add the depths (lengths) of all nonexempt properties within the district and divide by the number of nonexempt properties within the district to determine the mean depth of the zone.

~~((d))~~ (iv) Equivalent residential unit method (ERU): The ERU method shall be used in the same manner as it is used on all other properties within the district. The value to be determined is based on the amount of benefit derived or, when appropriate, the degree of contribution to the service, such as drainage or sewer. This amount shall be measured for all uses of property. (For example, if a dairy barn uses a greater amount of water or contributes a greater amount of sewerage than the normal residential unit, it shall be classified as more than one ERU and shall be charged a proportionately greater amount.)

~~((e))~~ (v) Combined methods: In districts making assessments using a combination of two or more methods (e.g., an assessment based on a front footage charge plus a square foot charge), the procedures for determining the assessable portion of previously exempt property shall be the same as those described above.

~~((2))~~ (b) For assessments relating to road construction and/or improvements. If the property is provided access to ~~((the))~~ a constructed or improved road, the assessment will be based upon the percentage of current use value to true and fair value as evidenced by the last property tax assessment roll as equalized by the county board of equalization to what the assessment would have been if the owner had waived the exemption. (For example, if the current use value is forty-five percent of its true and fair value, then the assessable portion ~~((would be))~~ is forty-five percent of the amount ~~((#))~~ the assessment would have been ~~((had))~~ if the owner had waived the exemption.)

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-570 Connection subsequent to final assessment roll—Interest—Connection charge. (1) Introduction. If classified farm and agricultural or timber land is connected to water and/or sewer systems or road improvements after the final assessment roll has been approved, the owner of this land will be liable for the special benefit assessments relating to the improvements. This section explains how the assessments are calculated and the costs associated with the services.

(2) Connection to local improvements after final assessment roll. The owner of property exempted from special benefit assessments under the current use farm and agricultural or timber land classification who connects to the sanitary and/or sewerage systems, domestic water supply and/or ~~((sewer))~~ distribution systems, or road construction and/or ~~((road))~~ improvements provided by the district after the final assessment roll has been approved will be liable for the ~~((foregone))~~ special benefit assessments as determined by WAC 458-30-560 including interest ~~((, but not penalties))~~. In addition, the annual payment required for each year following the connection shall be ~~((made))~~ due and payable.

~~((2))~~ (3) Cost of connection. In addition to the ~~((assessments))~~ charges imposed in subsection ~~((#))~~ (2) of this section, the owner will also be liable for the cost of connection.

AMENDATORY SECTION (Amending Order PT 88-12, filed 11/15/88)

WAC 458-30-580 Rate of inflation—When published—Calculation. ~~((In computing the interest as required by WAC 458-30-550, upon withdrawal or removal from classification as farm and agricultural land, the department of revenue will, each year, publish an annual inflation rate.))~~ (1) Introduction. This section explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) General obligation of department. Each year the department shall determine and publish a rule establishing an annual rate of inflation. This rate of inflation is to be used in computing the interest that is assessed when farm and agricultural or timber land, exempt from special benefit assessments, is withdrawn or removed from classification.

(a) The rate will be based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce.

(b) The rate will be published by December 31st of each year and will apply to all withdrawals or removals that occur in the following year.

(c) An owner will become liable for the interest from the time the district was created to the time of withdrawal or removal. If more than one year is involved, an annual average inflation rate shall be used to calculate the interest.

(3) Calculation of inflation rate - effective date. This rate will be determined by summing the inflation rates for all years in question and then dividing by the number of years. The interest shall take effect on the date the action warranting the charge as provided for in WAC 458-30-550 is taken.

(a) Interest for withdrawal or removal will be calculated only for the time (years and months) the property was in exempt status.

~~((#))~~ (b) For example, if ~~((a property was withdrawn July 1, 1987, and the district was created in January 1980, the interest would be calculated using the inflation rates given for 1980 through 1987; in the year when the withdrawal or removal occurred, the interest would be calculated for six months, January through June, as the property was still in exempt status.))~~ the local improvement district was created in January 1980 and land was withdrawn for the farm and agricultural classification on July 1, 1987, interest would be calculated using the inflation rates for 1980 through 1987 and for January through June 1987.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 458-30-235	Granting authority response.
WAC 458-30-290	Additional tax—Withdrawal.

WSR 95-13-075
PROPOSED RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 (Community Economic Revitalization Board)
 [Filed June 20, 1995, 2:32 p.m.]

Original Notice.

Title of Rule: WAC 133-10-010 Organization and operation of the Community Economic Revitalization Board and 133-10-020 Board meetings.

Purpose: To reflect organization and operations with current statute, correct mailing address, reflect current board meeting schedule.

Statutory Authority for Adoption: Chapter 43.160 RCW.

Summary: To reflect organization and operations with current statute and board policy, correct mailing address, and reflect current board meeting schedule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathleen M. Engle, Community Economic Revitalization Board Program Manager, 2001 6th Avenue, Suite 2700, Seattle, WA, (206) 464-6282.

Name of Proponent: Community Economic Revitalization Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These matters are the subject of a Preproposal Statement of Intent for input from the public until July 10, 1995, with the formal hearing scheduled for September 21, 1995.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule is a "housekeeping" matter and is designed to provide citizens of the state with accurate information on the organization and operations of the Community Economic Revitalization Board.

Proposal Changes the Following Existing Rules: To reflect organization and operations with current statute and board policy, correct mailing address, and reflect current board meeting schedule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This proposed rule change has no impact on small business.

Hearing Location: Sea-Tac Airport, Host International Auditorium, SeaTac, Washington, on September 21, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teresa Turner by September 11, 1995, TDD (360) 586-4840, or (206) 464-6282.

Submit Written Comments to: Kathleen M. Engle, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, FAX (206) 464-5868, by July 31, 1995.

Date of Intended Adoption: September 21, 1995.

June 19, 1995
 Kathleen M. Engle
 Manager, CERB Program

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-10-010 Organization and operation of the community economic revitalization board. (1) The community economic revitalization board, hereinafter referred to as the board, is a ~~((fifteen))~~ nineteen member board created pursuant to section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.030.

(2) The board consists of ~~((nine))~~ eleven persons appointed by the governor, as well as the director of ~~((commerce))~~ community, trade, and economic development, ~~((the director of planning and community affairs,))~~ the director of revenue, the commissioner of employment security, the secretary of transportation and the ~~((chairmen))~~ chair and one minority member of the committee on ~~((labor))~~ trade and economic development of the house of representatives and the committee on commerce and ~~((labor))~~ trade of the senate, or the equivalent standing committees. The state agency heads shall serve as nonvoting advisory members of the board. The appointive members are as follows: A recognized private or public sector economist ~~((selected from the governor's council of economic advisors))~~; one port district official; one county official; one city official; one representative of small businesses each from: (a) The area west of Puget Sound or the Interstate 5 corridor, (b) the area east of the Cascade range and west of the Columbia River; and (c) the area east of the Columbia River; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members are initially appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms, which includes the ~~((chairman))~~ chair. Thereafter each succeeding term shall be for three years.

(3) The ~~((appointive member of the board from the governor's council of economic advisors serves as chairman of the board, and the director of the department of commerce and economic development serves as vice chairman))~~ chair of the board shall be appointed by the governor. The board may elect such other officers for such terms as it may from time to time deem necessary, in accordance with the board's bylaws.

(4) The board's staff support and office space is provided by the department of ~~((commerce))~~ community, trade, and economic development, ~~((whose main office is located in Room 101, General Administration Building))~~ P.O. Box 48300, Olympia, Washington 98504-8300; phone ((AC 360) 753-5630) (360) 753-2200.

(5) The overall purpose of the board is to aid the development of economic opportunities in the state of Washington. The board's general objectives include: ~~((+))~~ (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies; ~~((+))~~ (b) encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment; and ~~((+))~~ (c) providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

PROPOSED

(6) In order to carry out its objectives, the board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including the ~~((cost of acquisition and))~~ development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. Grants may also be authorized for such purposes, but only when grants are uniquely required. Additional powers and duties of the board are as set forth in chapter 40, Laws of 1982 1st ex. sess. and chapter 43.160 RCW, and in particular section 5 thereof, and RCW 43.160.050.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-10-020 Board meetings. (1) Regular meetings of the board are held on the third Thursday of January, ~~((April, July and October))~~ March, May, July, September and November commencing at 9:00 a.m. Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.

(2) Special meetings of the board may be called at any time by the ~~((chairman))~~ chair of the board or by a majority of the board members. Notice of such meetings will be as provided by law.

(3) In addition to the meeting notices specified above, the board will also notify all persons, organizations or agencies whose business is scheduled to come before the board at any regular or special meeting.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-10-030 Communications with the board. Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the community economic revitalization board, in care of the ~~((chairman))~~ chair, at the address which appears in WAC 133-10-010(4). Telephonic communications may be initiated by calling the phone number also listed in WAC 133-10-010(4).

WSR 95-13-076

PROPOSED RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT (Community Economic Revitalization Board)

[Filed June 20, 1995, 2:33 p.m.]

Original Notice.

Title of Rule: WAC 133-40-010 Purpose, 133-40-020 Definitions, 133-40-030 Loan and grant applications, and 133-40-040 Board deliberations.

Purpose: To conform with current program statute and board policy and loan and grant application procedures.

Statutory Authority for Adoption: Chapter 43.160 RCW.

Summary: To conform with current program statute and board policy and loan and grant application procedures.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathleen M. Engle, Program Manager, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, (206) 464-6282.

Name of Proponent: Community Economic Revitalization Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These matters are the subject of a Preproposal Statement of Intent for input from the public until July 10, 1995, with the formal hearing scheduled for September 21, 1995.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To conform with current program statute and board policy and loan and grant application procedures.

Proposal Changes the Following Existing Rules: The proposed changes are intended to conform to current program statute and board policy and loan and grant application procedures.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This proposed rule change has no impact on small business.

Hearing Location: Sea-Tac International Airport, Host International Auditorium, SeaTac, Washington, on September 21, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teresa Turner by September 11, 1995, TDD (360) 586-4840, or (206) 464-6282.

Submit Written Comments to: Kathleen M. Engle, Program Manager, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, FAX (206) 464-5868, by July 31, 1995.

Date of Intended Adoption: September 21, 1995.

June 19, 1995

Kathleen M. Engle
Manager, CERB Program

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-40-010 Purpose. (1) Pursuant to ~~((authority derived from chapter 40, Laws of 1982 1st ex. sess. and))~~ chapter 43.160 RCW, the community economic revitalization board may, in its discretion, make direct loans to political subdivisions of the state of Washington for the purposes of assisting the political subdivisions in financing the cost of public facilities, when such facilities will serve to improve opportunities for the successful maintenance, establishment, or expansion of industrial ~~((or commercial plants))~~ facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment. The board may also make grants for such purposes, when every feasible effort has been made by the board to provide loans and loans are not possible, and when the board finds that unique circumstances exist which require making a grant.

(2) The purpose of this chapter is to prescribe the form and manner in which political subdivisions may make application to the board for financial assistance, and to

provide for the consideration and disposition of such applications.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-40-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Public facility" or "facility" means any facility for public purposes financed in whole or in part by any (~~political subdivision~~) port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(3) "Public facility costs" means any direct or indirect cost incurred or to be incurred by a political subdivision in financing any public facility, including the cost of acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities.

(4) "Responsible official" means the (~~senior ranking elected official of the political subdivision making application to the board for financial assistance hereunder, and/or any other~~) person so designated in the resolution of the legislative body of the political subdivision authorizing or approving submittal of the application.

AMENDATORY SECTION (Amending Order 84-1, filed 10/24/84)

WAC 133-40-030 Loan and grant applications. (1) Applications for loans and/or grants to assist in financing public facility costs may be made by any political subdivision of the state of Washington.

(2) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain the following information:

(a) Name and address of the political subdivision making the application for financial assistance.

(b) Complete description of the public facility for which financing assistance is sought.

(c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial (~~or commercial plants~~) facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.

(d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.

(e) If application is being made for a loan, the applicant's proposed repayment schedule.

(f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor.

(3) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official. Such official shall also provide the board with any additional materials or information in support of the applica-

tion which the board or its staff may request, either prior to or at the board's deliberations on the application.

(4) Applications for public works funding must be submitted at least (~~thirty~~) forty-five calendar days prior to regular (~~quarterly~~) meeting dates. Exceptions to this deadline will be determined by decision of the (~~chairman~~) chair (or the (~~vice chairman~~) vice-chair, when acting as (~~chairman~~) chair) or a majority of CERB members.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-40-040 Board deliberations. (1) The board will consider and approve, in whole or in part, or disapprove, all applications for loans or grants at such regular or special meetings of the board as it may determine, and the applicant will be notified accordingly. The board is directed to prioritize each proposed project according to relative benefit. As long as there is more demand for loans or grants than funds available, the board is instructed to fund projects in order of their priority (RCW 43.160.060(3)). Priorities are established in board policies. A responsible official of the applicant political subdivision shall be present during all board deliberations on the application, and shall provide all information regarding the public facility or application for financial assistance which the board may request.

(2) Applicants will be formally notified in writing regarding any board decision on whether or not to authorize a public facility loan or grant.

WSR 95-13-077

PROPOSED RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**
(Community Economic Revitalization Board)

[Filed June 20, 1995, 2:35 p.m.]

Original Notice.

Title of Rule: Chapter 133-30 WAC.

Purpose: Repeal entire chapter by section based on the following justification: (1) The chapter is fully covered under the Administrative Procedure Act, chapter 34.04 [34.05] RCW; and (2) not necessary for the Community Economic Revitalization Board, as the Community Economic Revitalization Board is not a regulatory body.

Statutory Authority for Adoption: Chapter 43.160 RCW.

Summary: To eliminate unnecessary chapter and streamline, reduce costs and provide general efficiency in the management of government resources.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathleen M. Engle, Program Manager, 2001 6th Avenue, Suite 2700, Seattle, WA, (206) 464-6282.

Name of Proponent: Community Economic Revitalization Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These matters are the subject of a Proposal Statement of Intent for input from the public

PROPOSED

until July 10, 1995, with the formal hearing scheduled for September 21, 1995.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed repeal of the rule chapter is intended to eliminate unnecessary chapter and streamline, reduce costs and provide general efficiency in the management of government resources. The chapter is fully covered under the Administrative Procedure Act, chapter 34.04 [34.05] RCW.

Proposal Changes the Following Existing Rules: The proposed change repeals the rule chapter and is intended to eliminate unnecessary chapter and streamline, reduce costs and provide general efficiency in the management of government resources. The chapter is fully covered under the Administrative Procedure Act, chapter 34.04 [34.05] RCW.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This proposed rule change has no impact on small business.

Hearing Location: Sea-Tac International Airport, Host International Auditorium, SeaTac, Washington, on September 21, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teresa Turner by September 11, 1995, TDD (360) 586-4840, or (206) 464-6282.

Submit Written Comments to: Kathleen M. Engle, Manager, Community Economic Revitalization Board Program, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, FAX (206) 464-5868, by July 31, 1995.

Date of Intended Adoption: September 21, 1995.

June 19, 1995

Kathleen M. Engle
Manager, CERB Program

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 133-30-010 Purpose and scope of rules—Adoption of uniform rules.
- WAC 133-30-020 Definitions.
- WAC 133-30-030 Hearings, examination and investigations—Generally.
- WAC 133-30-040 Requesting oral hearings—Substantive rule-making proceedings.
- WAC 133-30-050 Subpoenas.
- WAC 133-30-060 Petitions for rule-making action.
- WAC 133-30-070 Petitions for declaratory rulings.
- WAC 133-30-080 Requests for reconsideration.

WSR 95-13-078

PROPOSED RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**
(Community Economic Revitalization Board)

[Filed June 20, 1995, 2:36 p.m.]

Original Notice.

Title of Rule: WAC 133-20-010 Purpose, 133-20-020 Definitions, 133-20-040 Public records officer, 133-20-060 Office hours, and 133-20-120 Adoption of form.

Purpose: To reflect current state public records law, correct agency name, current program statute, agency office hours and mailing address.

Statutory Authority for Adoption: Chapter 43.160 RCW.

Summary: To reflect current state public records law, correct agency name, current program statute, agency office hours and mailing address.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathleen M. Engle, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, (206) 464-6282.

Name of Proponent: Community Economic Revitalization Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These matters are the subject of a Preproposal Statement of Intent for input from the public until July 10, 1995, with the formal hearing scheduled for September 21, 1995.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule is a "housekeeping" matter and is designed to provide citizens of the state with accurate information on the organization and operations of the Community Economic Revitalization Board.

Proposal Changes the Following Existing Rules: To reflect current state public records law, correct agency name, current program statute, agency office hours and mailing address.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This proposed rule change has no impact on small business.

Hearing Location: Sea-Tac International Airport, Host International Auditorium, SeaTac, Washington, on September 21, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teresa Turner by September 11, 1995, TDD (360) 586-4840, or (206) 464-6282.

Submit Written Comments to: Kathleen M. Engle, Community Economic Revitalization Board Program Manager, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, FAX (206) 464-5868, by July 31, 1995.

Date of Intended Adoption: September 21, 1995.

June 19, 1995

Kathleen M. Engle
Manager, CERB Program

PROPOSED

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-010 Purpose. The purpose of this chapter shall be to insure the compliance by the community economic revitalization board with ~~((the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, and))~~ state public records law RCW 42.17.250 ~~((through 42.17.320, concerning disclosure of public records))~~ et seq.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-020 Definitions. The following definitions shall apply to this chapter:

(1) ~~((“Public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the board regardless of physical form or characteristics.~~

~~((2) “Writing” means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.~~

~~((3))~~ (3) “Board” means the community economic revitalization board, created pursuant to chapter 43.160 RCW, and shall also refer to the board’s officers and staff, where appropriate.

~~((4))~~ (2) “Department” means the department of ~~((commerce))~~ community, trade, and economic development, and shall also refer to the department’s staff, where appropriate.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-040 Public records officer. The ~~((board’s vice chairman shall be))~~ board chair shall appoint the public records officer for the board. The public records officer shall be responsible for implementation of the board’s rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-060 Office hours. Public records shall be available for inspection and copying during the department’s normal office hours. For purposes of this chapter, normal office hours shall be from ~~((9:00))~~ 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-100 Review of denials of public records requests. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request for public records, the public records officer or other authorized staff member denying the request shall refer it to the ~~((chairman))~~ chair of the board. The ~~((chairman))~~ chair shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

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

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-20-120 Adoption of form. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled “Request for public records.”

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

Return to:

Community Economic Revitalization Board
c/o Public Records Officer
~~((101 General Administration Building))~~
P.O. Box 48300
Olympia, WA 98504-8300

REQUEST FOR PUBLIC RECORDS

Date Time (In person requests only)

Name

Address

Description of Records

.....
.....
.....

I certify that the information obtained through this request for public records will not be used for profit making.

.....
Signature

PROPOSED

(FOR BOARD USE ONLY)

Number of copies
 Number of pages
 Per page charge \$.10
 for in excess of
 ten pages
 Total charge \$

WSR 95-13-084
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (By the Code Reviser's Office)
 [Filed June 20, 1995, 4:00 p.m.]

WAC 296-04-010 and 296-04-040, proposed by the Department of Labor and Industries in WSR 94-24-071, appearing in issue 94-24 of the State Register, which was distributed on December 21, 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 95-13-085
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed June 20, 1995, 4:12 p.m.]

Original Notice.

Title of Rule: WAC 388-505-0590 Income.

Purpose: Current policy requires determination of a period of ineligibility upon receipt of a lump sum income amount. HCFA will now allow an alternative treatment for Medicaid cases. This proposed amendment is to simplify processing and have a positive client impact.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Change to treatment of lump sum income.

Reasons Supporting Proposal: See Purpose above.

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 does not regulate any business and does not have an economic impact on any business. This proposed rule

affects eligibility determination and affects only department clients and staff.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on July 25, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by July 11, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting 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 July 18, 1995.

Date of Intended Adoption: July 26, 1995.

June 20, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732 [3827], filed 5/3/94 [1/25/95], effective 6/3/94 [2/25/95])

WAC 388-505-0590 Income. (1) For continuing cash assistance clients, the department shall find a person eligible for medical care programs without a separate eligibility determination.

(2) For a noncash assistance medical client, the department shall determine countable income according to AFDC or SSI methodology; except, the department shall:

(a) Consider the financial responsibility of relatives as described under WAC 388-506-0610 and 388-506-0620, and the financial responsibility of an alien sponsor under WAC 388-510-1030;

(b) Require a client to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which a client is entitled, unless the client can show good cause for not doing so. The client's annuities, pension, retirement, and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation;

(c) Allow child care expenses the client pays as an income deduction;

(d) Exempt earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month; ~~(and)~~

(e) Consider trusts as described under WAC 388-505-0595; and

(f) Consider a nonrecurring lump sum payment as:

(i) Income in the month in which the client receives the payment; and

(ii) A resource if the client retains the payment after the month of receipt.

(3) For an SSI-related client, the department shall determine countable income using SSI methodology; except the department shall:

(a) Exclude lump sum payments as described under WAC 388-511-1160;

(b) Consider the principal and interest payment from a sales or real estate contract as described under WAC 388-511-1160 (2)(a) as unearned income; and

(c) Consider the interest payment from a sales or real estate contract as described under WAC 388-511-1160 (2)(b) as unearned income.

(4) For a ~~((noncash))~~ AFDC-related noncash assistance medical client, the department shall determine countable income according to AFDC methodology; except, the department shall apply the exceptions in subsection (2) of this section and shall:

(a) Budget income prospectively as defined under WAC 388-218-1900;

(b) Not use mandatory monthly income reporting; and

(c) Consider the AFDC earned income exemption except as limited under WAC 388-507-0740.

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

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

WSR 95-13-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 20, 1995, 4:13 p.m.]

Original Notice.

Title of Rule: WAC 388-508-0820 Pregnant woman—Eligibility.

Purpose: Currently, verification of pregnancy follows AFDC criteria which requires written verification from a licensed medical practitioner. AFDC criteria requires written documentation from a licensed medical practitioner so the appropriate estimated date of delivery (and trimester of pregnancy) can be determined. For the purposes of medical eligibility, the trimester need not be determined. Proposed amendment allows department to accept verification of pregnancy from a licensed medical lab in addition to licensed medical practitioner.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Allows written documentation from an employee of a licensed medical laboratory to be used to verify pregnancy when determining eligibility for a medical program.

Reasons Supporting Proposal: See Purpose above.

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

rule does not increase workload for medical laboratories; change how a medical laboratory does business; change the number of employees required; or change reimbursement rate or process.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on July 25, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by July 11, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting 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 July 18, 1995.

Date of Intended Adoption: July 26, 1995.

June 20, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

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

WAC 388-508-0820 Pregnant woman—Eligibility.

(1) The department shall find a ~~((verifiably))~~ pregnant woman eligible for Medicaid as categorically needy when the pregnant woman meets:

(a) The income requirements under WAC 388-508-0805; and

(b) Social Security number and residence requirements under chapter 388-505 WAC.

(2) For the purposes of determining only medical eligibility, a pregnant woman means a woman whose pregnancy has been confirmed in writing by:

(a) A licensed medical practitioner; or

(b) An authorized employee of a:

(i) Licensed laboratory;

(ii) Community clinic;

(iii) Family planning clinic; or

(iv) Health department clinic.

(3) The department shall determine family income according to AFDC methodology~~((:))~~; except, the department shall:

(a) Exclude the income of the unmarried father of the unborn unless the income is actually contributed; and

(b) Determine eligibility as if the unborn is born.

~~((3))~~ (4) The department shall consider the provisions of WAC 388-506-0610 (1)(e) in determining countable income for a pregnant minor.

~~((4))~~ (5) The department shall exempt a pregnant, undocumented alien woman from citizenship, alien status, and Social Security number requirements.

PROPOSED

WSR 95-13-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed June 20, 1995, 4:15 p.m.]

Original Notice.

Title of Rule: WAC 388-507-0710 AFDC-related medical income standards.

Purpose: This proposed WAC amendment updates the medically needy income level (MNIL) to agree with the approved state plan amount.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Inform department staff of the correct MNIL.

Reasons Supporting Proposal: See Purpose above.

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 necessary because of federal law, State Plan Supplement to Attachment 2.6-A page 8.

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 does not regulate or have an economic impact on any business. This rule informs only department staff and has a positive client impact.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on July 25, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by July 11, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting 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 July 18, 1995.

Date of Intended Adoption: July 26, 1995.

June 20, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

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

WAC 388-507-0710 AFDC-related medical income standards. (1) The department shall determine income standards for AFDC-related clients as described under WAC 388-505-0590 (2) and (4).

(2) Effective January 1, (~~1993~~) 1995, the department shall set the medically needy income level (MNIL) at:

- (a) One person \$ ~~((467))~~ 486
- (b) Two persons \$ 592

- (c) Three persons \$ 667
- (d) Four persons \$ 742
- (e) Five persons \$ 858
- (f) Six persons \$ 975
- (g) Seven persons \$1,125
- (h) Eight persons \$1,242
- (i) Nine persons \$1,358
- (j) Ten persons and above \$1,483

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

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

WSR 95-13-096
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed June 21, 1995, 10:31 a.m.]

Original Notice.

Title of Rule: WAC 314-24-220 Licensing and operation of bonded wine warehouses.

Purpose: Creates requirements for the licensing and operation of bonded wine warehouses as set forth in RCW 66.24.185, sets forth conditions for the removal of wine from bond.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.185.

Summary: The board is conducting rule making in response to a petition for same filed by the Washington Wine Institute. As proposed, the manner in which wine could be removed and by whom would be expanded to permit winery agents to deliver wine to retailers.

Reasons Supporting Proposal: Would enhance wineries' abilities to distribute product which is not well known or which has very limited consumer interest such as in private label products.

Name of Agency Personnel Responsible for Drafting and Enforcement: Rich Raico, MIW Supervisor, 1025 East Union, Olympia, (360) 754-2249; and Implementation: David Goyette, Assistant Director Reg. Ser., 1025 East Union, Olympia, (360) 753-2724.

Name of Proponent: Washington Wine Institute (by petition to Liquor Control Board), private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets forth the manner in which wine may be removed from a bonded wine warehouse and by whom. The proposal expands those instances when wine may be removed, for what purposes and by whom.

Proposal Changes the Following Existing Rules: The proposal would permit officers, partners and/or licensed agents of a domestic winery to remove wine from a bonded wine warehouse and deliver the wine to a wholesale or retail wine licensee. The language would remove the narrow restrictions providing for removal of wine as requested by the Washington Wine Institute's proposal.

PROPOSED

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No statement was prepared because it is believed the amendatory language would not prove to be a financial burden to anyone. Winery licensees would realize expanded marketing opportunities which would be beneficial to their overall economics. Traditional wholesalers would realize greater acceptability of some lesser known wines and possibly have new markets opened up to them which they currently cannot devote resources to developing. In view of these assumptions, there would not be a negative economic impact to licensees according to the proponent.

Hearing Location: Washington State Liquor Control Board, 4401 East Marginal Way South, Seattle, WA, Washington State Liquor Control Board Distribution Center, on Friday, August 4, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD by August 1, 1995, TDD (800) 833-6388.

Submit Written Comments to: Washington State Liquor Control Board, Public Information Office, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by August 1, 1995.

Date of Intended Adoption: August 9, 1995.

June 20, 1995

Joe McGavick

Chair

AMENDATORY SECTION (Amending Order 170, Resolution No. 179, filed 11/27/85)

WAC 314-24-220 Licensing and operation of bonded wine warehouses. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a Class N license. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine must be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine wholesaler or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) ~~((Shipments from the bonded wine warehouse may only be made to licensed Washington wine wholesalers, the liquor control board, the producing winery, another bonded wine warehouse or for export.))~~ Removals of wine from the

bonded wine warehouse may be made only for shipment to a licensed Washington wine wholesaler, to another licensed bonded wine warehouse, to the liquor control board, or to a licensed location out-of-state, or for return to the producing domestic winery licensee within the state of Washington. For the purposes of this section, "domestic winery licensee" includes the licensed entity and its officers, partners and/or licensed agents. Domestic winery licensees may deliver wines by shipping bottled wine to bonded wine warehouses, before or after accepting an order therefor, and completing delivery to the purchasing wholesale or retail licensee by accepting return of such wine at the bonded wine warehouse and transporting such wine directly from such bonded wine warehouse to the premises of the purchaser. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine wholesalers, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

WSR 95-13-097

PROPOSED RULES

LOWER COLUMBIA COLLEGE

[Filed June 21, 1995, 10:35 a.m.]

Original Notice.

Title of Rule: WAC 132M-160-040, 132M-108-020, 132M-160-050, tuition and fee refunds, tuition and fee waivers; refunds.

Purpose: To establish rules for refund of tuition and fees when a student withdraws from a college course or program after the start of instruction. To clarify how tuition and fee waivers are to be established.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 34.05.320, 34.05.482 through 43.05.494 [34.05.494].

Summary: SSB 6002 (section 2, chapter 36, Laws of 1995) requires community colleges to adopt rules for the refund of tuition and fees. The waiver rule clarifies that tuition and fee waivers will be established for some categories

PROPOSED

ries of students and how mandatory fee waiver determinations may be reviewed.

Reasons Supporting Proposal: Rule on refunds is required by SSB 6002 (section 2, chapter 36, Laws of 1995) and the amendment to RCW 28B.15.600. The legislature and State Board for Community and Technical Colleges have delegated to colleges authority to set tuition waivers for some categories of students.

Name of Agency Personnel Responsible for Drafting: Bonnie Terada, Assistant Attorney General, 500 West 8th, Suite 110, Vancouver, WA 98660, (360) 696-6471; and Implementation: Vernon Pickett, President, P.O. Box 3010, Longview, WA 98632, (360) 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature and the State Board for Community and Technical Colleges have delegated to colleges authority to set tuition waivers for some categories of students. SSB 6002 (section 2, chapter 36, Laws of 1995) requires community colleges to adopt rules for the refund of tuition and fees.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Rule has no small business impact.

Hearing Location: Student Center Conference Room, Lower Columbia College, 1600 Maple Street, Longview, WA 98632-0310, on July 25, 1995, at 9:30 a.m.

Submit Written Comments to: Virginia Koken, Rules Coordinator, Lower Columbia College, P.O. Box 3010, Longview, WA 98632-0310, by July 21, 1995.

Date of Intended Adoption: July 25, 1995.

June 19, 1995

Vernon R. Pickett
President

NEW SECTION

WAC 132M-160-050 Refunds. (1) First-time students receiving federal financial aid who officially withdraw from classes shall be provided a *pro rata* refund in accordance with Federal regulations.

(2) A refund of fees and tuition will be made to all other students officially withdrawing from the college according to the following schedule:

(a) One hundred percent. Withdrawal prior to the sixth day of instruction of the quarter.

(b) One hundred percent. Withdrawal as a result of classes being cancelled by the College.

(c) Fifty percent. Withdrawal on or after the sixth day of instruction of the quarter and prior to the twentieth calendar day of the quarter.

(d) No refunds will be made after the twentieth calendar day of the quarter. Exceptions may be made for students inducted into military service and for medical reasons.

(3) Refunds for short courses and courses starting after the first week of the quarter shall be determined by the Associate Dean for Enrollment Services.

(4) Fees, other than tuition and service and activities fees, and not subject to this policy, are not refundable.

(5) Students dismissed for disciplinary reasons are not eligible for refunds.

NEW SECTION

WAC 132M-160-040 Tuition and fee waivers. (1) Lower Columbia College may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges.

(2) Upon request of an applicant for a mandatory tuition and fee waiver, individual determinations will be reviewed by the registrar, in a brief adjudicative proceeding pursuant to RCW 34.05.482-.494.

AMENDATORY SECTION [(Amending WSR 92-09-005, filed 4/2/92)]

WAC 132M-108-020 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482-.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(a) Appeals from residency classifications made pursuant to RCW 28B.15.013;

(b) Appeals from parking infractions;

(c) Student conduct or disciplinary proceedings;

(d) Outstanding debts of college employees or students;

(e) Loss of eligibility to participate in athletic events;

(f) Challenges to the contents of education records pursuant to WAC 132M-113-055(2);

(g) Mandatory tuition and fee waivers.

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

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

WSR 95-13-100
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 21, 1995, 11:15 a.m.]

Original Notice.

Title of Rule: Chapter 392-142 WAC, Transportation replacement and depreciation allocation.

Purpose: The purpose is to amend chapter 392-142 WAC to implement ESSB 5408 and RCW 28A.160.200 which establishes a state price quote process for the acquisition and replacement funding of school buses.

Statutory Authority for Adoption: ESSB 5408, RCW 28A.150.290.

Statute Being Implemented: RCW 28A.160.200.

Summary: These amendments provide for implementation of a state price quote process and continued depreciation and replacement allocations.

Reasons Supporting Proposal: These changes are required by ESSB 5408 passed by the 1995 legislature.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction,

Olympia, 753-2298; Implementation: Don M. Carnahan, Superintendent of Public Instruction, Olympia, 753-0235; and Enforcement: David L. Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is designed to establish a state bid process and continue the depreciation and replacement allocations for current school buses.

Proposal Changes the Following Existing Rules: A state bid process will be used to establish the low quote or state determined purchase price in each category of school bus.

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: 2nd Floor, Wanamaker Conference Room, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on July 25, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 11, 1995, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by July 24, 1995.

Date of Intended Adoption: July 26, 1995.

June 20, 1995
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 91-12, filed 7/26/91, effective 8/26/91)

WAC 392-142-005 Authority. The authority for this chapter is RCW (~~(28A.160.140)~~) 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.160 RCW, which includes state depreciation and replacement payments for school buses as specified in RCW 28A.160.200.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-010 Purpose. The purpose of this chapter is to implement RCW (~~(28A.41.540)~~) 28A.160.200 by developing:

- (1) Student transportation vehicle categories;
- (2) State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; (~~and~~)
- (6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982; and

(7) Competitive specifications for each category of school bus.

AMENDATORY SECTION (Amending Order 91-12, filed 7/26/91, effective 8/26/91)

WAC 392-142-095 Definition—State supported competitive specifications. As used in this chapter, "state supported competitive specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements (~~(judged)~~) plus supported options determined by the (~~(advisory committee formed pursuant to RCW 28A.160.200)~~) superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, to produce minimum long-range operating costs and to accommodate transportation of students with (~~(handicapping)~~) disabling conditions.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-115 Definition—(~~(Special-handicapped)~~) Specialized equipment. As used in this chapter, "~~(special-handicapped)~~ specialized equipment" means at least wheelchair lifts and may include (~~(passenger)~~) mobile seating device tiedowns, or (~~(passenger)~~) occupant restraints designed for the purpose of transporting students with (~~(handicapping)~~) disabling conditions.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-125 Definition—Student capacity. As used in this chapter, "student capacity" means the (~~(maximum allowable)~~) number of students designated by the school bus manufacturer that can be seated on a school bus (~~(using twenty-one inch seat spacing from the seating reference point)~~). For school buses equipped with a wheelchair lift, student capacity means the number of students that could be seated in a school bus if the vehicle was not lift equipped and had a maximum complement of seats.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-130 Definition—Gasoline engine. As used in this chapter, "gasoline engine" means a spark-ignited engine using gasoline, propane, compressed natural gas, methanol, gasahol, alcohol, or a combination thereof, originally designed as a gasoline engine.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-135 Definition—Diesel engine. As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel, or a spark ignited natural gas, or methanol fueled engine, originally designed as a diesel engine.

AMENDATORY SECTION (Amending Order 25, filed 11/19/91, effective 12/20/91)

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	<u>Student Capacity</u>	<u>Fuel Type</u>	<u>Transmission Type</u>	<u>Useful Life</u>
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	49 to 60	Gas	Manual	10
(14)	49 to 60	Gas	Automatic	10
(15)	49 to 60	Diesel	Manual	15
(16)	49 to 60	Diesel	Automatic	15
(17)	61 to 84	Gas	Manual	10
(18)	61 to 84	Gas	Automatic	10
(19)	61 to 84	Diesel	Manual	15
(20)	61 to 84	Diesel	Automatic	15
(21)	Heavy 78 to 84	Diesel	Manual	20
(22)	Heavy 78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Manual	20
(24)	85 to 90	Diesel	Automatic	20

	<u>Student Capacity</u>	<u>Fuel Type</u>	<u>Transmission Type</u>	<u>Useful Life</u>	<u>Bus Type</u>
(1)	10 to 22	Gas	Automatic	8	A, B
(2)	10 to 22	Diesel	Automatic	8	A, B
(3)	23 to 34	Gas	Automatic	8	B
(4)	23 to 34	Diesel	Automatic	8	B
(5)	35 to 48	Diesel	Automatic	15	C
(6)	35 to 48	Diesel	Automatic	15	D
(7)	49 to 60	Diesel	Automatic	15	C
(8)	49 to 60	Diesel	Automatic	15	D
(9)	61 to 77	Diesel	Automatic	15	C
(10)	61 to 84	Diesel	Automatic	15	D
(11)	Heavy 75 to 87	Diesel	Automatic	20	D

NEW SECTION

WAC 392-142-162 Definition—Competitive price quote. As used in this chapter, "competitive price quote" means a sealed price quotation for school buses obtained from school bus dealers by using a modified "vendor bid proposal" form supplied by the superintendent of public instruction.

NEW SECTION

WAC 392-142-163 Definition—School bus dealer. As used in this chapter, "school bus dealer" means any firm or person that meets all necessary requirements to sell motor vehicles (school buses) in Washington state and are properly licensed as prescribed by all applicable agencies to sell school buses to school districts in the state of Washington.

AMENDATORY SECTION (Amending Order 25, filed 11/19/91, effective 12/20/91)

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the ~~((arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate))~~ lowest competitive price quote received from school bus dealers for each category of school buses, documented in modified vendor bid proposals ~~((for that portion of the actual bid price))~~ associated with meeting state-supported competitive specifications ~~((for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:~~

- (1) Sales taxes;
- (2) Freight to the school district;
- (3) Cost associated with full payment within thirty days of delivery.

~~Not included in the actual base bid prices are any costs associated with district specified requirements in excess of state supported specifications)).~~

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-170 Definition—State-determined ((handicapped)) specialized equipment price. As used in this chapter, the term "state-determined ((handicapped)) specialized equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of ~~((special handicapped))~~ specialized equipment permanently affixed to a school bus for the purpose of transporting students with disabilities.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-205 Determination of school bus categories by the superintendent of public instruction. The superintendent of public instruction shall annually ~~((develop))~~ establish a minimum number of school bus categories ((including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year;
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year)) considering, in consultation with the regional transportation coordinators of the educational service districts, student capacity and type.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-210 State-determined prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current

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school year. ~~((The superintendent of public instruction shall follow this schedule:~~

~~(1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and~~

~~(2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.)) The state-determined price shall be derived from competitive price quotes obtained annually by September 1. The state-determined price shall be the lowest price quote obtained in a sealed bid from school bus dealers for each category. The lowest price quote in each category shall be valid for one school year.~~

NEW SECTION

WAC 392-142-212 Obtaining competitive price quotes. The superintendent of public instruction shall annually request competitive price quotations from school bus dealers for state-supported specifications for all school bus categories. The request for price quotes will at least include:

(1) A modified vendor bid proposal for one representative state-supported school bus in each category as defined in WAC 392-142-155.

(a) A list of selected state-supported options; and

(b) A list of school district options which may be purchased at the school district's discretion and expense.

(2) A requirement that each school bus dealer submit a statement of assurance that school districts may purchase school buses at the quoted price for a period of one year.

(3) The lowest price quote will be determined using only the base bid price as stated for the state-supported base bus without options.

NEW SECTION

WAC 392-142-213 Purchase of school buses by school districts. (1) School districts may purchase school buses directly from the school bus dealer who has provided the lowest competitive price quote in each school bus category without regard to RCW 28A.335.190 (competitive bid law).

(2) School districts that do not purchase school buses in accordance with subsection (1) of this section may conduct their own competitive bid process in accordance with RCW 28A.335.190. School districts that choose to conduct their own bid shall:

(a) Use vendor bid proposal forms provided by the superintendent of public instruction.

(b) Prepare a summary of all bids received for retention in school district files and submission to the superintendent of public instruction.

(3) School buses which have been acquired by school districts or educational service districts, in accordance with subsection (1) or (2) of this section, are entitled to reimbursement payments for school bus replacement in accordance with this chapter.

AMENDATORY SECTION (Amending Order 93-10, filed 6/18/93, effective 7/19/93)

WAC 392-142-240 Calculation of annual state depreciation payment for district-owned school buses purchased after September 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982, as follows:

(1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:

(b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined ~~((handicapped))~~ specialized equipment price if any;

(c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection; and

(d) Multiply the result obtained in (c) of this subsection by the number of months remaining in the school year.

(2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:

(b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined ~~((handicapped))~~ specialized equipment price if any;

(c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection;

(d) Multiply the result obtained in (c) of this subsection by the total number of months the school bus has been on the depreciation schedule including the months for the current school year;

(e) Subtract from the result obtained in (d) of this subsection the total school bus depreciation payments made in prior school years;

(f) Subtract from the result obtained in (d) of this subsection the imputed interest earnings; and

(g) Subtract from the result obtained in (f) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-265 Maintenance and operation. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district prima facie evidence of such proof shall include

required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.

(3) If a district fails to follow generally accepted standards of maintenance and operation or disposes of a bus prior to the end of its useful life time as set forth in WAC 392-142-155, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-142-175 Definition—Inflation rate.

WSR 95-13-107
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed June 21, 1995, 11:35 a.m.]

Original Notice.

Title of Rule: Chapter 236-12 WAC, State capitol grounds traffic and parking regulations. Establishes rules for pedestrian and vehicular traffic on the capitol grounds.

Purpose: Amends chapter 236-12 WAC to comply with RCW 46.08.150 as amended by ESB 5873. The new legislation mandates a \$175 monetary penalty for parking in a space reserved for disabled persons without the proper license plate or placard issued by the Department of Licensing. Amendments add definitions and make administrative corrections for clarity.

Statutory Authority for Adoption: RCW 46.08.150, as amended by ESB 5873.

Statute Being Implemented: RCW 46.08.150, as amended by ESB 5873.

Summary: ESB 5873 amends RCW 46.08.150 to require a \$175 monetary penalty for parking in a space reserved for disabled persons without the proper license plate or placard issued by the Department of Licensing. General administration is directed to have the same penalty on the capitol campus. Amending chapter 236-12 WAC implements the legislation.

Reasons Supporting Proposal: The amendment brings chapter 236-12 WAC into compliance with RCW 46.08.150 as amended by ESB 5873. Added definitions and administrative changes clarify the rules.

Name of Agency Personnel Responsible for Drafting: J. Duncan Crump, Office of Parking Services, Olympia, Washington, 664-8677; Implementation and Enforcement: Department of General Administration, Olympia, Washington, 664-8677.

Name of Proponent: Department of General Administration.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to chapter 236-12 WAC will establish a \$175 monetary penalty for misuse of disabled parking stalls as mandated in RCW 46.08.150, as amended in ESB 5873. Definitions are added for "disabled," "employee," and "visitor," and several minor administrative changes are included for clarity. Anticipated effects are a reduction in abuse of disabled parking stalls and more availability of disabled parking spaces for the disabled community, allowing greater accessibility to the state capitol and state government agencies.

Proposal Changes the Following Existing Rules: Amendments increase the monetary penalty for misuse of disabled parking stalls on the state capitol grounds from \$8 to \$175.

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

Hearing Location: 1st Floor Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington, on July 25, 1995, at 1:00-3:00 p.m.

Assistance for Persons with Disabilities: Contact Charlotte Crosswhite by July 17, 1995, TDD (360) 664-3799, or (360) 664-8677.

Submit Written Comments to: James Johnson, Administrative Procedure Act Coordinator, P.O. Box 41008, Olympia, WA 98504-1008, FAX (360) 664-9040, by July 25, 1995.

Date of Intended Adoption: August 1, 1995.

June 20, 1995

Tim Arnold

Assistant Director

Division of Transportation Services

Chapter 236-12 WAC
STATE CAPITOL GROUNDS
TRAFFIC AND PARKING REGULATIONS

AMENDATORY SECTION (Amending WSR 92-09-076 [92-04-036], filed 4/15/92 [1/30/92], effective 5/16/92 [3/1/92])

WAC 236-12-015 Definitions. As used in this chapter, the following terms shall mean:

(1) "Barrel"/"barrelling" defined. A large cylindrical container that is attached to a motor vehicle in order to prevent movement of that motor vehicle.

(2) "Campus security patrol" defined. The Washington state patrol as provided under chapter 43.43 RCW.

(3) "Director" defined. The director of the department of general administration.

(4) "Impound"/"impoundment" defined. To take and hold an unauthorized vehicle in legal custody at the direction of the director or designee, subject to the procedures outlined in this chapter and in chapter 46.55 RCW. Such definition includes towing of an unauthorized vehicle.

(5) "Presiding officer" defined. Pursuant to RCW 34.05.485, a "presiding officer" is an individual(s) who is

appointed by the director to preside over administrative hearings and render a decision regarding the imposition of parking fees, barrelling of vehicles, suspension or revocation of parking privileges and removal, suspension, or revocation from parking waiting list under this chapter.

(6) "Reviewing officer" defined. Pursuant to RCW 34.05.491, a "reviewing officer" is an individual(s) who is appointed by the director to review the decisions by the presiding officer and is authorized to grant appropriate administrative relief upon review.

(7) "State capitol grounds" defined. Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

(8) "Unauthorized vehicle defined." An "unauthorized vehicle" is a vehicle which is parked for any length of time on state capitol grounds and:

(a) Does not display the permit required for that area; and/or

(b) Is not otherwise authorized to park in that area; and/or

(c) Is parked in a metered parking area for a consecutive period longer than the time permitted for parking in that area; and/or

(d) Is parked in a metered parking area with insufficient payment to use the space it occupies; and/or

(e) Is parked in a parking space designated for disabled individuals and such vehicle does not display ~~the required vehicle license identification authorizing parking in such spaces~~ a valid special license plate or placard; and/or

(f) Is parked in a parking space reserved for use by another vehicle; and/or

(g) Is parked in an area not designated for parking.

(9) "Vehicle" defined. All mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motorcycles and motor-driven cycles.

(10) "Way open to the public defined." Any road, alley, lane, parking area, parking structure, path, or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.

(11) "Employee defined." Any person assigned to a state facility, including state employees and the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at that facility.

(12) "Disabled defined." Any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and 308-96A-315.

(12) "Visitor defined." Any person parking at a state facility who is not employed at that facility.

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

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

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-360 Parking fees, barrelling, and/or towing. Any unauthorized vehicle, as defined in this chapter, shall be subject to parking fees, barrelling, and/or towing, as described below:

(1) For parking a motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall be: \$175 parking fee, except that if a person produces the required special license plate or placard within 20 days of receiving the notice, the person shall not be determined to have committed an infraction.

(2) All other unauthorized vehicles:

First occurrence	\$8.00 parking fee
Second occurrence within a 12-month period	\$8.00 parking fee
Third occurrence within a 12-month period	Vehicle barrelled with \$50.00 removal charge and payment of all outstanding parking
Fourth and subsequent occurrences within a 12-month period	Vehicle <u>may be</u> immediately towed. Registered owner or authorized person must pay towing costs and all outstanding parking fees.

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 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-361 Suspension and/or revocation of parking privileges. Repeated use of assigned parking spaces by unauthorized vehicles or for nonofficial purposes or for the storage of personal property and/or the repeated transfer of parking permits from one vehicle to another may result in the suspension or revocation of parking privileges. Fees for parking by unauthorized vehicles shall be paid within twenty days of notice or within ten days of final disposition of any appeals. Failure to pay within these periods may result in suspension and/or revocation of any permits issued to the violator and/or removal, suspension, and/or revocation from the parking waiting list for parking on state capitol grounds.

PROPOSED

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-362 Parking fee and barrel removal payments for unauthorized vehicles—Method of payment. Parking fees and barrel removal payments for unauthorized vehicles shall be made to the Cashier, Department of General Administration, P.O. Box 41008, Olympia, Washington 98504-1008 or Office of Parking Services, Department of General Administration, P.O. Box 41025, Olympia, Washington 98504-1025. Payment shall be required regardless of whether a contested hearing is requested. Payment may be made in cash, by check, or, for state employees, through payroll deduction. Checks returned for insufficiency of funds shall be subject to a ten-dollar charge. The office of parking services may deny payment by check if prior checks are returned because of insufficiency of funds or stop payment.

**WSR 95-13-108
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**
[Filed June 21, 1995, 11:40 a.m.]

Original Notice.

Title of Rule: Chapter 236-15 WAC, Parking programs for state facilities off the state capitol grounds in Thurston County. Rules establish parking programs at state-owned and leased facilities in Thurston County and implement parking fees set by general administration.

Purpose: Repeal of chapter 236-15 WAC. Rules were to be effective September 1, 1995. Legislature in SSB 5084 amended RCW 46.08.172, eliminating the general administration's authority to establish parking fees off the capitol campus. Rather, each agency will now have the authority to establish parking fees as part of a commute trip reduction program. Repeal of chapter 236-15 WAC complies with the new legislation.

Statutory Authority for Adoption: RCW 46.08.172, as amended by SSB 5084.

Statute Being Implemented: RCW 46.08.172, as amended by SSB 5084.

Summary: Chapter 236-15 WAC would establish parking fees set by general administration at off-campus state facilities in Thurston County on September 1, 1995. New legislation transfers the authority to set fees to the various agencies, rather than general administration.

Reasons Supporting Proposal: State agencies have been granted the authority to set parking fees. General administration may set fees only on the capitol campus and at its own facilities off the state capitol grounds.

Name of Agency Personnel Responsible for Drafting: J. Duncan Crump, Office of Parking Services, General Administration, 664-8677; and Implementation: Department of General Administration, 664-8677.

Name of Proponent: Department of General Administration.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 236-15 WAC implements parking fees established by the Department of General Administration at state-owned and leased facilities off the state capitol grounds in Thurston County. Legislation approved in 1995 transfers authority to set parking fees to individual state agencies. Repeal of chapter 236-15 WAC prevents implementation of general administration parking fees and allows state agencies to establish fees, if any to best meet the needs of each agency and its transportation demand management program.

Proposal Changes the Following Existing Rules: Repeals chapter 236-15 WAC.

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

Hearing Location: First Floor Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington, on July 25, 1995, at 10 a.m. - 12 noon.

Assistance for Persons with Disabilities: Contact Charlotte Crosswhite by July 17, 1995, TDD (360) 664-3799, or (360) 664-8677.

Submit Written Comments to: James Johnson, Administrative Procedure Act Coordinator, P.O. Box 41008, Olympia, WA 98504-1008, FAX (360) 664-9040, by July 25, 1995.

Date of Intended Adoption: August 1, 1995.

June 20, 1995

Tim Arnold

Assistant Director

Transportation Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 236-15 WAC Parking program for state facilities off the state capitol grounds in Thurston County.

**WSR 95-13-109
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)**
[Filed June 21, 1995, 11:45 a.m.]

Original Notice.

Title of Rule: WAC 246-887-160.

Purpose: To add an approved anabolic steroid.

Statutory Authority for Adoption: RCW 18.64.005.

Reasons Supporting Proposal: To be in compliance with federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don Williams, Olympia, 753-6834.

Name of Proponent: Pharmacy Board, governmental.

Rule is necessary because of federal law, Public Law 101-674, section 102.

Explanation of Rule, its Purpose, and Anticipated Effects: To add dehydroepiandrosterone, an anabolic steroid [steroid], to Schedule III.

PROPOSED

Proposal Changes the Following Existing Rules: It adds a steroid to it.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Small business will not be adversely affected by the change in these rules.

Hearing Location: Red Lion Inn, 300 112th S.E., Bellevue, WA, on October 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi at 753-6834, by October 10, 1995.

Submit Written Comments to: Donald Williams, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, by October 10, 1995.

Date of Intended Adoption: October 26, 1995.

June 20, 1995

D. H. Williams

Executive Director

AMENDATORY SECTION (Amending WSR 94-08-098, filed 4/6/94, effective 5/7/94)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

- (2) Any suppository dosage form containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;
- (5) Lysergic acid;
- (6) Lysergic acid amide;
- (7) Methyprylon;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane;

(11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4] diazepin 7 (1H)-one flupyzapazon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochlormethyltestosterone;
- (5) Dehydroepiandrosterone;
- (6) Dihydrotestosterone;
- ~~((6))~~ (7) Drostanolone;
- ~~((7))~~ (8) Ethylestrenol;
- ~~((8))~~ (9) Fluoxymesterone;
- ~~((9))~~ (10) Formebolone (Formebolone);
- ~~((10))~~ (11) Mesterolone;
- ~~((11))~~ (12) Methandienone;
- ~~((12))~~ (13) Methandranone;
- ~~((13))~~ (14) Methandriol;
- ~~((14))~~ (15) Methandrostenolone;
- ~~((15))~~ (16) Methenolone;
- ~~((16))~~ (17) Methyltestosterone;
- ~~((17))~~ (18) Mibolerone;
- ~~((18))~~ (19) Nandrolone;
- ~~((19))~~ (20) Norethandrolone;
- ~~((20))~~ (21) Oxandrolone;
- ~~((21))~~ (22) Oxymesterone;
- ~~((22))~~ (23) Oxymetholone;
- ~~((23))~~ (24) Stanolone;
- ~~((24))~~ (25) Stanozolol;
- ~~((25))~~ (26) Testolactone;
- ~~((26))~~ (27) Testosterone;
- ~~((27))~~ (28) Trenbolone; and
- ~~((28))~~ (29) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt,

ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Oestradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN

Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate	Testosterone Cypion-	Goldline Labs

PROPOSED

50 mg/ml Estradiol cypionate 2 mg/ml	ate-Estradiol Cypionate Injection	Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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

WSR 95-13-110
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed June 21, 1995, 11:48 a.m.]

Original Notice.

Title of Rule: WAC 246-815-020, 246-815-050, 246-815-060, 246-815-070, 246-815-100, 246-815-990, Dental hygiene licensure requirements and examination/reexamination fee.

Purpose: To amend chapter to reflect the processes due to joining with the Western Regional Examining Board (WREB).

Statutory Authority for Adoption: Chapter 18.29 RCW. Statute Being Implemented: RCW 18.20.150(4).

Summary: The amendments shall establish the appropriate procedures for dental hygiene licensure by examination and credentialing as well as reduce the application fee.

Reasons Supporting Proposal: The amendments will establish the processes required due to the joining with the WREB.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Lewis, Olympia, Washington, (360) 586-1867.

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: It provides processes for licensure by examination and credentials due to joining WREB and reduces the application fee.

Proposal Changes the Following Existing Rules: Provides for new processes due to joining WREB and reduces application fee.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact analysis determined that this rule amendment will not economically impact the small business of hygienists or dentists.

Hearing Location: Department of Health, 1100 S.E. Quince Street, Olympia, WA 98504-7890, on July 25, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Carol Lewis at (360) 586-1867 or P.O. Box 47867, Olympia, WA 98504-7867, by July 15, 1995, TDD (800) 525-0127, or (360) 664-0064.

Submit Written Comments to: Michelle Davis, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by July 21, 1995.

Date of Intended Adoption: July 25, 1995.

June 21, 1995
 Bruce Miyahara
 Secretary

PROPOSED

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-815-020 Dental hygiene examination eligibility. (1) To be eligible to take the Washington dental hygiene examination, the applicant must meet the following requirements:

(a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health pursuant to WAC 246-815-030.

(b) The applicant must have completed the AIDS prevention and information education required by WAC 246-815-040.

(c) The applicant must demonstrate ~~(, by affidavit,)~~ knowledge of Washington law pertaining to the practice of dental hygiene.

(d) The applicant must complete the required application materials and pay the required nonrefundable fee.

(2) Applications for the dental hygiene examination are available from the department of health ~~(, professional licensing services,)~~ dental hygiene program. The completed application must be received by the department of health sixty days prior to the examination. The application must include:

(a) The required nonrefundable examination fee.

(b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.

(c) Two photographs of the applicant taken within one year preceding the application.

(3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. Applicants who will successfully complete the dental hygiene education program within forty-five days preceding the examination for which they are applying may provide documentation of successful completion by inclusion of their names on a verified list of students successfully completing the program from the dean or director of the education program. No other proof of successful completion is acceptable. An applicant may complete the application and be scheduled for the examination, but will not be admitted to the examination if the department of health has not received the required proof of successful completion.

~~((4) By check in on the first day of the examination, applicants must provide to the department of health documentary evidence of malpractice liability insurance covering their performance during the examination.))~~

AMENDATORY SECTION (Amending WSR 95-07-003, filed 3/2/95, effective 4/2/95)

WAC 246-815-050 Examination. (1) The dental hygiene examination will consist of both written and practical tests ~~(,)~~

(a) ~~Written tests—The written tests will include:~~

~~(i) Successful completion of the dental hygiene national board examination;~~

~~(ii) Washington state written test. All applicants must successfully complete a written test covering anesthesia, restorative dentistry, and other subjects related to dental hygiene practice.~~

(b) ~~Practical tests—The practical tests will include:~~

~~(i) Patient evaluation test which will include a health history, extra oral and intraoral examination, periodontal charting and radiographs;~~

~~(ii) Prophylaxis test which will include a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth.~~

~~(iii) Anesthesia test which will include applicants demonstrating the administration of a local anesthetic.~~

~~(iv) Restorative test which will include demonstrating the insertion, condensation and carving of amalgam restorations.~~

(2) ~~Each applicant must furnish a patient for the patient evaluation test, prophylaxis test and anesthesia test. Patients must be at least eighteen years of age with a minimum of twenty four teeth. A patient shall not be a dentist, dental student, or dental hygiene student. The state dental hygiene examining committee and the school of dentistry assume no responsibility regarding the work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination) approved by the committee. An applicant seeking licensure in Washington by examination must successfully complete all of the following:~~

~~(a) The dental hygiene national board examination.~~

~~(b) The Washington written examination.~~

~~(c) The Washington restorative examination.~~

~~(d) The Western Regional Examining Board (WREB) dental hygiene patient evaluation/prophylaxis and local anesthetic examinations.~~

~~(2) The successful completion of the WREB dental hygiene examinations from May 8, 1992, and thereafter will be accepted.~~

(3) The committee may, at its discretion, give a test in any other phase of dental hygiene. Candidates will receive information concerning each examination.

(4) The applicant will comply with all written instructions provided by the department of health.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-060 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the committee may be dismissed from the examination and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

(a) Giving or receiving aid, either directly or indirectly, during the examination process.

(b) Failure to follow directions relative to the conduct of the examination, including termination of procedures.

~~((c) Endangering the life or health of a patient.))~~

AMENDATORY SECTION (Amending WSR 95-02-056, filed 1/3/95, effective 2/3/95)

WAC 246-815-070 Examination results. ~~((1) In order to pass the examination the applicant must:~~

~~(a) Submit proof of successful completion of the national board of dental hygiene examination;~~

~~(b) Successfully complete the patient evaluation practical test;~~

~~(c) Successfully complete the prophylaxis practical test;~~

- ~~(d) Successfully complete the anesthetic practical test;~~
~~(e) Successfully complete the restorative practical test;~~
 and,
~~(f) Successfully complete the Washington state written test.~~

~~(2))~~ An applicant may elect to retake only the tests failed: *Provided*, That if the applicant has not passed all tests within the next two consecutive examination administrations offered then the entire examination must be retaken. ~~((The tests are:~~

- ~~(a) Patient evaluation practical;~~
~~(b) Prophylaxis case practical;~~
~~(c) Anesthetic practical;~~
~~(d) Restorative practical; and,~~
~~(e) Washington state written test.))~~

AMENDATORY SECTION (Amending Order 332, filed 2/24/93, effective 3/27/93)

WAC 246-815-100 Licensure by interstate endorsement of credentials. A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29.045 provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the department of health pursuant to WAC 246-815-030.

(2) The applicant has been issued a valid, current, nonlimited license by successful completion of a dental hygiene examination in another state. The other state's current licensing standards must be substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and minimum level of competency standards. ~~((Each portion must be independently graded and successfully completed.))~~

- (a) Written tests - the written tests include:
 (i) The National Board of Dental Hygiene examination.
 (ii) A state written test covering ~~((local anesthesia, nitrous oxide analgesia, restorative dentistry and asepsis))~~ the current dental hygiene subjects that are tested for Washington state.

(b) Practical tests - all portions shall be graded anonymously by calibrated practicing dental hygienists or dental hygienists and dentists. The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on pregraded patients and/or dentoforms. Examiners will be calibrated to the established standard of minimum level of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions. The current Washington state patient selection criteria for examination will be used as the basis of comparison at the time of application for licensure by interstate endorsement of credentials. The practical tests include:

(i) Patient evaluation clinical competency test which includes ~~((a health history, extra oral and intra oral examination, periodontal charting and radiographs. The entire patient evaluation test shall be done on an approved patient of which the candidate has no previous knowledge))~~ what is

currently tested for the Washington state dental hygiene examination.

(ii) Prophylaxis clinical competency test which includes ~~((a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth))~~ what is currently tested for the Washington state dental hygiene examination.

(iii) Anesthesia clinical competency test which includes ~~((a clinical demonstration of the administration of a local anesthetic))~~ what is currently tested for the Washington state dental hygiene examination.

(iv) Restorative test which includes ~~((a clinical demonstration of the application of a matrix and a wedge, the insertion, condensation, and carving of amalgam on a prepared Class II dentoform tooth and polishing on a condensed, carved and unpolished MOD amalgam restoration on a molar dentoform tooth))~~ what is currently tested for the Washington state dental hygiene examination.

(3) The applicant holds a valid current license, and has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, Veterans' Bureau, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.

(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.

(5) The applicant has completed the AIDS prevention and information education required by WAC 246-815-040.

(6) The applicant demonstrates to the secretary ~~((, by affidavit,))~~ knowledge of Washington law pertaining to the practice of dental hygiene.

(7) The applicant completes the required application materials and pays the required nonrefundable application fee. Applications for licensure by interstate endorsement are available from the department of health ~~((, professional licensing services,))~~ dental hygiene program.

(8) ~~((Applicants shall request the state of licensure to submit to the Washington state department of health the current standards and criteria for the other states examination and licensing on a form provided in the licensure application package by the Washington state department of health.~~

~~(9))~~ If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional nonrefundable examination fee as well as the licensure by interstate endorsement nonrefundable fee shall be required.

AMENDATORY SECTION (Amending WSR 94-02-059, filed 1/3/94, effective 3/1/94)

WAC 246-815-990 Dental hygiene fees. The following nonrefundable fees shall be charged:

Title of Fee	Fee
Application examination and reexamination	(\$200.00) \$100.00
Renewal	60.00
Late renewal penalty	50.00
Credentialing application	300.00
Temporary license application	115.00
Duplicate license	15.00
Certification	25.00
Education program evaluation	200.00

All fees shall be payable, in U.S. funds, by check or money order to "Washington state treasurer" or "department of health".

~~((The new fees shall be effective March 1, 1994.))~~

**WSR 95-13-111
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD**
[Filed June 21, 1995, 11:55 a.m.]

Original Notice.

Title of Rule: State need grant.

Purpose: (1) Recognize new names of three accrediting associations, (2) recognize two additional accrediting associations, (3) enumerate additional standards for institutional participation, (4) further define maximum number of terms a student may receive the grant.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Statute Being Implemented: RCW 28B.10.800 - [28B.10].822.

Summary: These rules amend both student and institutional eligibility criteria for participation in the state need grant program.

Reasons Supporting Proposal: Improve public understanding of institutional eligibility criteria and improve student and institutional accountability.

Name of Agency Personnel Responsible for Drafting and Implementation: John Klacik, 917 Lakeridge Way, Olympia, WA, 753-7851; and Enforcement: Shirley Ort, 917 Lakeridge Way, Olympia, WA, 753-7840.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules further define institutional and student eligibility to participate in the program. They correct the names of three accrediting associations traditionally recognized by the board and add the names of two accrediting associations not previously recognized by the board. The immediate effect is to make five institutions eligible to apply for participation in the state need grant program. Furthermore, the rules add additional criteria for institutional participation the effect of which is to enhance institutional accountability and the protection of consumers. The rules also set progressive limits to the maximum number of terms that a student may receive the grant. The effect will be to

limit the number of terms that an eligible student may receive the grant when attaining a certificate or associates degree.

Proposal Changes the Following Existing Rules: (1) Updates the new names of previously recognized accrediting associations; (2) recognizes the ACCET and the ABHES accrediting associations; (3) require that for-profit institutions be in good standing for participation in student aid programs, be capable of properly administering a state need grant program, has the financial and administrative resources necessary to comply with program requirements, has a withdrawal rate of less than 33%, a 3-year cohort default rate less than 25%; and (4) limit student eligibility to four quarters for a certificate program, eight quarters for an associates degree program.

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

Hearing Location: Conference Room (3rd Floor), Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA, on July 25, 1995, at 1:00 p.m. - 3:00 p.m.

Assistance for Persons with Disabilities: Contact Lisa Critchfield by July 25, 1995, TDD (360) 753-7809.

Submit Written Comments to: John Klacik, Higher Education Coordinating Board, 917 Lakeridge Way, Box 43430, Olympia, 98504, FAX (360) 753-7808, by July 25, 1995.

Date of Intended Adoption: August 9, 1995.

June 21, 1995

John Klacik

Associate Director for
Student Financial Aid

AMENDATORY SECTION (Amending WSR 95-10-007, filed 4/24/95)]

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802 or be a "disadvantaged student" who has completed a board approved program designed to promote early awareness of, and aspiration to, higher education.

(2) Be a resident of the state of Washington.

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester or, in the case of institutions which do not use credit hours, twelve clock hours per week.

(b) A student enrolled less than half time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

PROPOSED

(5) Not be pursuing a degree in theology.

(6)(a) A student enrolled in a certificate degree program may not have received the state need grant for more than the equivalent of two full-time semesters or three full-time quarters or the equivalent combination of these two.

(b) A student enrolled in an associates degree program may not have received the state need grant for more than the equivalent of five full-time semesters or eight full-time quarters or the equivalent combination of these two.

(c) A student enrolled in a baccalaureate degree program may ~~((N))~~ not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two.

(d) Upon receipt of a bachelor's degree, a student is no longer eligible.

(7) Have made a bona fide application for a Pell grant.

(8) Certify that he or she does not owe a refund on a state need grant, a Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan ~~((Demonstration))~~ Program.

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

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.

[NEW SECTION]

WAC 250-20-013 Institutional eligibility. (1) For an otherwise eligible student to receive a state need grant, he or she must be enrolled in an eligible program at a postsecondary institution approved by the higher education coordinating board. To be approved, a postsecondary institution must:

(a) Be a public university, college, community college, or vocational-technical institute operated by the state of Washington, political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level with full institutional accreditation by an accrediting association recognized by rule of the board.

(b) Participate in the federal Title IV student financial aid programs, including at a minimum the Federal Pell Grant and the Federal Supplemental Educational Opportunity Grant.

(2) In addition, a for-profit institution must:

(a) Be in good standing and unconditionally certified for participation in the federal Title IV student financial aid programs.

(b) Demonstrate to the satisfaction of the board that it is capable of properly administering the state need grant program. In making a determination of administrative capability, the board will consider the adequacy of staffing levels, staff training and experience in administering student financial aid programs, standards of administrative capability specified for purposes of Title IV program eligibility and other factors as are reasonable. In determining the administrative capability of participating institutions, the board will

also consider the institution's compliance with program regulations and guidelines.

(c) Demonstrate to the satisfaction of the board that it has the financial resources to provide the services described in its official publications and statements, provide the administrative resources necessary to comply with program requirements, meet all of its financial obligations, and that it is current in its debt payments. In addition, the institution must demonstrate to the satisfaction of the board that it meets the financial responsibility standards for participation in the federal Title IV programs.

(d) Demonstrate to the satisfaction of the board that, during its most recent audit period, it had a student withdrawal rate, calculated as specified for the federal Title IV student financial aid programs, of 33 percent or less; and that its cohort default rate for Stafford, SLS, or Direct Student Loans did not equal or exceed 25 percent for the most recently reported three consecutive years.

(e) Renew its eligibility each year under these standards.

(3) Nothing in this section shall prevent the board, in the exercise of its sound discretion, from denying eligibility or terminating the participation of a school which the board determines is unable to properly administer the program or to provide advertised services to its students.

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

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

[AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93)]

WAC 250-20-015 Application and ~~(([A]))~~ agreement to participate. ~~((In order to participate in the program a postsecondary institution must file an "agreement to participate" supplying the following information as appropriate:))~~ A postsecondary institution which wishes to participate in the state need grant program must apply and be approved each year. As a part of the application process, the institution must provide all requested information, in the format specified by the board. Such information will include, by may not be limited to, the following: Name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the integrated postsecondary education data system), evidence of unconditional certification and participation in the Federal Pell Grant program, and the Supplemental Educational Opportunity Grant program. The institutions must also submit each year, for approval, a copy of ~~((their))~~ its refund/repayment policy, student budgets, gift equity packaging policy and ~~((their))~~ its satisfactory progress policy for state need grant recipients and such other information as may be required to assure proper administration of the program. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules,

regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change (other than student enrollment) to information reported on the agreement form.

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.

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.

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

[AMENDATORY SECTION (Amending WSR 95-10-007, filed 4/24/95)]

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: ~~The Northwest Association of Schools and Colleges, (the Career College Association, or the Cosmetology Accrediting Commission,)~~ the Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student; or,

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-

attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant. The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding. In no case will the minimum income cutoff be less than sixty-five percent of the state's median family income, regardless of program funding.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance for each sector. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding. The maximum base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the student's eligibility for the base grant. The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student. Care must be that assistance provided to the dependent which is paid to and provided by someone outside of the student's household.

(15) "State need grant award" is the maximum base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of credit((s)) or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credit((s)) or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half (50%) of the minimum number of credits for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half (50%), but less than all (100%) of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

(20) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

(21) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a proprietary institution of higher education shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a proprietary institution of higher education may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must

be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

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

WAC 250-20-031 Application procedure. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

The board shall each year develop criteria which shall be used to determine eligible need analysis processors in a multiple processor system. Further, the board shall each year specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. That criteria shall include the state need grant cost-of-attendance for each sector, the maximum award, and the income cutoff level.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) The financial aid administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

Reviser's note: The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the

requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

WAC 250-20-037 Reserve of funds. The board shall annually reserve funds for the body of students at each institution. The percentage of state need grant funds to be reserved equals the proportion of grant dollars needed to fund the eligible students who are enrolled, as reported on the unit record report, at each school compared to the dollars needed to fund all state need grant eligible students enrolled in all participating schools.

Reviser's note: The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

[AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93)]

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student ~~((should))~~ shall be the maximum base grant, appropriate for the sector attended, adjusted for the student's level of family income, and a dependent care allowance, if applicable. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible.

(3) The grant amount for students attending for-profit institutions shall be established at levels equal to those provided students attending public community and technical colleges.

~~(((3)))~~ 4 The maximum state need grant award ~~((should))~~ shall not exceed the student's overall need or the institution's approved gift equity packaging policy.

~~(((4)))~~ 5 Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their full-time base grant plus ~~(((7)))~~ dependent care allowance. Students enrolled ~~(((H)))~~ half-time ~~((students with))~~ at the time of disbursement will receive fifty percent of their full-time base grant ~~(((at disbursement)))~~ plus ~~(((7)))~~ dependent care allowance. Depending on the availability of funds, students may receive a need grant for summer session attendance.

~~(((5)))~~ 6 The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

~~(((6)))~~ 7 All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered overawarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

((([7])) 8 The institution will notify the student of receipt of the state need grant.

((([8])) 9 Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year((;)) may apply to the board for funds to continue receipt of the grant at the receiving institution.

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

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.

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.

WAC 250-20-051 Grants disbursement. (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate warrant order form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the warrant order forms, the higher education coordinating board will forward warrants to the appropriate institution for each recipient.

(b) At private and proprietary schools, as long as the student remains eligible for the grant, the warrant must be given directly to the student without any other condition being placed on receipt of the warrant by the institution.

(c) All signed receipts for state need grants are to be retained by the institution. They must be made available for inspection upon request of the board. All unclaimed warrants must be returned to the board on or before the date specified by the board each term.

(d) A student-by-student reconciliation must be completed by the institution at the end of each term.

(2) All other institutions may request funds as necessary to make disbursements to students.

(a) Progress reports must be filed with the board as requested.

(b) A student-by-student reconciliation must be filed with the board at the end of each academic year.

(3) No institution may disburse nor claim more funds than that amount reserved by the board for the body of students at each institution.

(4) Should a student recipient withdraw from classes during the term in which he or she received a state need grant, he or she shall be required to repay the appropriate amount according to the institution's approved repayment policy.

The institution shall advise the student and the board of amounts to be repaid.

(5) The board reserves the right, if funds are available, to pay to public institutions an administrative expense allowance for the shared responsibility of administering the program on the board's behalf. The allowance shall be

calculated annually as a percentage of the need grant funds disbursed by the institution.

Reviser's note: The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

PROPOSED

WSR 95-13-003
PERMANENT RULES
WASHINGTON STATE UNIVERSITY

[Filed June 8, 1995, 9:55 a.m.]

Date of Adoption: May 12, 1995.

Purpose: To regulate parking on the Washington State University Pullman campus.

Citation of Existing Rules Affected by this Order: Amending WAC 504-15-060, 504-15-100, 504-15-210, 504-15-250, 504-15-350, 504-15-450, 504-15-460, 504-15-470, 504-15-540, 504-15-560, 504-15-580, 504-15-600, 504-15-650, 504-15-750, 504-15-810, 504-15-830, and 504-15-860.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150.

Pursuant to notice filed as WSR 95-06-061 on February 28, 1995.

Changes Other than Editing from Proposed to Adopted Version: The fines listed under WAC 504-15-810 [(1)](d) and (e) were changed from \$12.00 to \$20.00. The stated amounts in the published version were typographical errors. This change was announced for discussion at the public hearing.

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

June 5, 1995

Lou Ann Pasquan
Rules Coordinator

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-060 Advisory and governing bodies.

(1) The parking and traffic ((control subcommittee)) committee of the ((university planning committee. This subcommittee:)) faculty senate and the parking and traffic committee of the staff senate. These committees:

- (a) Make((s)) recommendations on regulations governing campus traffic and parking control;
- (b) Review((s)) the administration and enforcement of traffic and parking regulations;
- (c) Make((s)) recommendations for physical improvements in parking facilities;
- (d) Consult((s)), where appropriate, with Pullman authorities on traffic matters;
- (e) Coordinate((s)) campus traffic planning with the work of the university planning committee; and
- (f) Review((s)) alternative modes of transportation.

(2) The parking appeals committee. This presidential standing committee has members representing faculty, staff, and students. The committee:

- (a) Establishes and maintains an appeals procedure for parking violations on campus;
- (b) Hears appeals as requested and renders decisions; and
- (c) Informs parking services of recurring problems related to the enforcement of parking rules and regulations.

(3) Washington State University parking and police services. These departments are responsible for the cooperative administration and enforcement of these regulations. This responsibility also involves recommending the installation of appropriate traffic and parking signs, maintaining a registration record system, issuing permits, patrolling the

university campus, and keeping a record of the violations, warnings, court summonses, and arrests.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-100 Definitions. The definitions in this section are applicable within the context of these regulations.

(1) Campus. Describes all property owned, leased, and/or controlled by Washington State University in Pullman which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of Washington State University.

(2) Commuter student. Any student who does not live in a residence hall (dormitory). All students living in fraternities, sororities, university housing (other than residence halls), and private housing are considered to be commuter students.

(3) Disability zone. A parking zone identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit.

(4) Dormitory. See residence hall.

~~((4))~~ (5) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

~~((5) Handicap zone. A parking zone identified with a sign bearing the international handicap symbol that is restricted at all times to use by vehicles bearing a valid WSU handicap parking permit or indicator.))~~

(6) Holiday or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

(7) Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.

(8) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:

(a) Use of a ~~((legal))~~ permit/indicator on ~~((the wrong))~~ an unspecified vehicle.

(b) Use of a counterfeit permit/indicator.

(c) Use of a permit/indicator obtained under false pretenses.

(d) Use of a modified permit/indicator.

(e) Use and/or retention of a ~~((resident priority))~~ permit/indicator by ~~((an unauthorized))~~ person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

~~((f) Use of a visitor permit by a person who is not a visitor. See definition of visitor.~~

~~((g) Use of a University of Idaho parking permit by WSU faculty, staff, or students.))~~

(9) Indicator. A decal displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

(10) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.

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(11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

(12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

(13) Motor vehicle. All motor-driven conveyances except wheelchairs.

(14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to areas with adjacent curbs or rails painted yellow or red.

(15) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(16) Parking permit. A vinyl, plastic, or paper instrument sanctioned by parking services that is displayed from a vehicle, and authorizes parking in specified areas.

(17) Resident student. A student living in a residence hall.

(18) Residence hall. The following living units are considered residence halls: Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Complex, Stimson Hall, Waller Hall, and Kruegel McAllister Hall.

(19) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university-owned vehicle or a privately-owned vehicle with a valid service permit displayed).

(20) Service zone. Parking spaces designated for the use of university vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times.

(21) Resident priority zone (i.e., gray zone). A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.

(22) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff." They are considered as students for the purpose of these rules.

(23) Student. Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.

(24) Summer session. The summer session includes all summer school sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

(25) University holiday. See holiday.

(26) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

(27) Vehicle. See motor vehicle.

(28) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

(29) Wheel lock. A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-210 Times of enforcement. Parking regulations are subject to enforcement at all times.

(1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking zone either at the entrance to parking areas, or along roadways where parking is marked. Restricted spaces are enforced at all times. See subsection (4) of this section, special conditions.

(2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):

(a) (~~Handicapped~~) Disability.

(b) Gray zones (resident priority areas).

(c) Load/unload.

(d) Service.

(e) Reserved.

(f) Reserved (bagged) meters.

(g) Specially signed areas.

(h) Housing areas.

(3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a two-hour meter will allow a maximum of two hours to be purchased at one time).

(4) Special conditions: The parking regulations are enforced every day, twenty-four hours a day. However, during the following periods special conditions exist, and the regulations are modified.

(a) During the following times, permits are not required in blue and gray zones:

(i) At the start of each semester from Monday of registration week through the sixth day of class.

(ii) During vacation periods and between semesters.

(iii) During finals week.

(b) During the summer session, gray zones are open to all valid WSU parking permits, except blue permits and housing permits.

(c) During the following times, housing permits are not required in housing areas:

(i) At the start of each semester from Monday of registration week through the sixth day of class.

(ii) During finals week.

(d) During the period when the university is officially on summer business hours, all metered spaces and permit areas which are not restricted will be open parking after 4:00 p.m. This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's official summer business hours.

(5) Pay parking facilities: Some areas are provided for limited parking on a cash basis. Hours of operation and a schedule of fees are posted at the facility entrance and at the

point of payment. Parking violations are issued to vehicles that are parked over the duration of time that was paid.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-250 Motorcycles, mopeds, and bicycles.

(1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles, mopeds, and bicycles. Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. Owners of motorcycles and mopeds are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to parking at the university and does not replace or supersede the definitions established by the state of Washington for licensing or traffic purposes.

(3) Mopeds: Mopeds may park only in the following locations with a valid moped permit:

(a) A designated moped parking area marked by signs and/or the letters "MP" on the parking surface.

(b) A bicycle rack unless the rack is signed to exclude mopeds.

Mopeds may not park in marked motorcycle areas at any time.

(4) Motorcycles: Motorcycles may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles must display a valid WSU motorcycle permit during posted times. During all other times, these spaces are restricted to use by motorcycles only. Motorcycles may not park in designated moped areas at any time.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-350 Use of areas for emergency, maintenance, or special needs. The university reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, or to meet special needs. Parking services will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures (~~and/or maintenance activities prescribed by the university~~).

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-450 Replacement permits, indicators, and gate cards. (1) Sold or traded vehicles. Failure to advise parking services of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to parking services to receive a free replacement. Persons

failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to parking services immediately upon discovery. A stolen permit will be replaced once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by parking services. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit. Lost, or stolen permits must be returned to the parking services office immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.

(4) Gate card replacement. A lost, stolen, or damaged gate card will be replaced for five dollars.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-460 False information. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified (~~(-stolen, lost,)~~) or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the mere use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and will be subject to citation and fine.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-470 Recall of permits and gate cards. Parking permits are the property of the university and may be recalled by the parking manager when:

(1) The purpose for which the permit or gate card was issued changes or no longer exists (e.g., a person who no longer lives in a residence hall would be required to hand over their gray permit for refund or credit toward an appropriate permit);

(2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized person;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, lost/stolen permit or gate card is used; or

(5) The parking fee is unpaid.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-540 Zone permits—Availability and use. The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every

effort will be made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this will be that the sale of blue permits will not be limited.

Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking area assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits: Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(2) Green permits: Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(3) Yellow permits: Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be available on a temporary basis.

(4) Red permits: Red permit holders may park in ~~((any))~~ their numerically assigned red zone or in any blue zone~~((s))~~. These permits may be available on a temporary basis.

(5) Gray permits (resident priority parking): Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be available on a temporary basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall.

(6) Blue permits (peripheral parking): Blue permit holders may park in any blue zone. These permits are available on a temporary basis.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-560 Other permits—Availability and use. (1) Visitor permits: Visitor permits are available on an annual or daily basis to visitors of the university. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in ~~((orange zones))~~ pay lots, meters, or restricted spaces.

(2) Golden cougar permits: Golden cougar permits are special visitor permits that are issued to retired faculty and staff free of charge. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-only parking spaces. Faculty and staff who remain regularly employed by the university after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid permit.

(3) President's associates decals: President's associate decals are issued to eligible members of WSU foundation. They are valid in green, yellow, red, blue zones, and visitor-only parking spaces. However, WSU faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits: Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor-only parking spaces. Conference permits are not valid in orange zones, meters, or restricted spaces.

(5) Motorcycle permits: Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

(6) Moped permits: Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

(7) Commercial permits: Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, and green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily commercial permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual commercial permit. Commercial permits are not valid in orange zones, ~~((meters))~~ pay lots, or other restricted spaces.

(8) Construction permits: A construction permit is issued to personnel who are working on a construction ~~((or remodel))~~ site on campus. Construction permits are available on ~~((a temporary))~~ an annual or daily basis ~~((only))~~ and are assigned to a specific parking area.

(9) Housing permits: A housing permit is issued to eligible residents of university apartments. Housing permits are valid only in specific housing parking areas.

(10) Carpool: Upon completion of application, bona fide carpools with four or more participants will be given preference in the assignment of parking zones, and will be issued a permit instrument that will facilitate the carpool. This includes access to no more than two zones of the same fee level. If the carpool requires access to zones of various fee rates, the highest fee rate will be charged for use of the carpool permit. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-580 Special indicator decals/hangers. Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) Service indicator decals/hangers which are valid for a maximum of fifteen minutes in a marked service zone. A separate mall service indicator allows a maximum of fifteen-

minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis after the approval of the parking manager or his/her designee.

~~(2) ((Resident priority indicator decals/hangers which are valid for a specific parking area within the gray parking zones. These are issued to eligible resident students who have been assigned to priority parking.~~

(3)) Night parking indicator decals/hangers which are valid in parking zones up to thirty minutes after the permit times begin, and thirty minutes before the permit times end. For example, if permits are required in a parking zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in gray zones, meter spaces, restricted spaces, or parking zones that require a parking permit at all times.

~~((4))~~ (3) Reserved parking indicator decals/hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-600 ((Handicapped)) Disability permits. The university and parking services strongly supports the provision of ~~((designated handicapped))~~ disability parking spaces at a reasonable proximity to campus buildings for people of disability.

There are two types of ~~((handicapped))~~ disability permits:

(1) Permanent physical disability. An annual ~~((handicapped))~~ disability permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, gray, and blue zones, and meter spaces ~~((and for unlimited periods of time in parking zones with time limitations))~~. They may not park in ~~((gray zones,))~~ service zones ~~((;))~~ or reserved spaces. The fee for an annual ~~((handicapped))~~ disability permit is equal to the blue zone fee. Payment of regular posted fees is required in pay lots.

(2) Temporary physical disability. Temporary ~~((handicapped))~~ disability permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed. ~~((Holders may park in assigned areas as determined by parking services.))~~

Employees and students must obtain a temporary disability form from parking services. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets established physical limitations. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-650 Permit fees. (1) Schedules for parking fees, parking administrative fees, meter rates, prorate and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by motion and will thereafter

be proofed in the public area of the parking services office, and filed with the university rules coordinator.

(2) ~~((Handicap))~~ Disability permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator in accordance with RCW 46.16.380.

(3) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.

(4) The annual fee for any shorter period relative to all permits shall be prorated.

(5) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.

(6) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.

(7) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester. Refunds for temporary permits will not be granted.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-750 WSU/UI reciprocal agreement. (1) Purpose: Washington State University and the University of Idaho have developed a cooperative parking agreement for the purpose of enhancing the accessibility to either campus for faculty, staff, and students participating in cooperative programs. Selected parking permits from each university have been deemed valid in specific parking areas.

(2) University of Idaho permit holders at WSU: The following applies to University of Idaho permit holders who wish to park at Washington State University:

(a) UI gold and retiree permits are valid in WSU green, yellow, red, and blue zones.

(b) UI red permits are valid in WSU yellow, red, and blue zones.

(c) UI blue and silver permits are valid in WSU blue zones.

(d) UI green permits (housing, visitor permits, or ~~((commercial))~~ vendor permits) are not valid at Washington State University.

(e) UI parking permits are not valid in WSU orange zones, gray zones, or housing areas.

(f) Annual or temporary permits may be available for other parking areas on a space-available basis, and for an additional fee.

(3) WSU faculty, staff, and students assigned to, enrolled at, or who pay fees to Washington State University or employees of other activities or agencies located on the Pullman campus must display a WSU parking permit when parking at WSU. Any attempt by the above personnel to use a UI parking permit in lieu of a WSU permit may result in a ~~((fifty-dollar))~~ fine for illegal use of a parking permit.

(4) WSU permit holders at UI: The following applies to Washington State University permit holders who wish to park at the University of Idaho. It is provided for information only, and is subject to change by the UI. WSU permit holders are subject to all UI parking and traffic regulations.

(a) WSU orange, green, and golden cougar permits are valid in UI gold, red, and blue areas.

(b) WSU yellow, red, blue, and gray permits are valid in UI red and blue areas.

(c) WSU housing permits and visitor permits are not valid at the University of Idaho.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-810 Violations, fines, and sanctions.

(1) Violations and fines: Parking violations will be processed by the University. Fines must be paid at parking services in the public safety building, or other authorized locations, at the following rates:

(a) ((Meter violation)) <u>Overtime/nonpayment at meter</u>	\$ ((5.00)) <u>10.00</u>
(b) Overtime in time zone	\$ ((5.00)) <u>10.00</u>
(c) No parking permit	\$ ((15.00)) <u>25.00</u>
(d) No parking permit for this area	\$ ((10.00)) <u>20.00</u>
(e) No parking zone	\$ ((10.00)) <u>20.00</u>
(f) Improper display of permit/indicator	\$ ((3.00)) <u>5.00</u>
(g) Blocking traffic	\$ ((15.00)) <u>25.00</u>
(h) ((Handicap () zone)) <u>Unauthorized parking in a disability () zone) space</u>	\$ ((25.00)) <u>50.00</u>
(i) <u>Parking in fire zone</u>	\$ ((25.00)) <u>50.00</u>
(j) <u>Unauthorized parking in reserved area</u>	\$ ((25.00)) <u>40.00</u>
(k) Illegal use of permit	\$ ((50.00)) <u>65.00</u>
(l) Display of lost or stolen permit	\$ ((100.00)) <u>200.00</u>
(m) Wheel lock fee	\$ ((35.00)) <u>50.00</u>
(n) <u>Unauthorized/overtime parking in service space</u>	\$ <u>25.00</u>
(o) <u>Unauthorized/overtime parking on the pedestrian mall</u>	\$ <u>50.00</u>
(p) <u>Overtime/nonpayment in a pay lot</u>	\$ <u>10.00</u>
(q) All other parking violations	\$ ((10.00)) <u>20.00</u>

(2) Reduction of fines: Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for No parking permit, (subsection (1)(c) of this section), that fine will be reduced to ~~((three))~~ five dollars when possession of a valid parking permit for the location is verified by the parking services within twenty-four hours.

(3) Visitors: The first violation of the notices listed in subsection (1)(c) of this section, No parking permit, and subsection (1)(d) of this section, No parking permit for this area, issued to visitors are considered warning notices upon presentation to the parking services office.

(4) Inoperable vehicles: It is the owner's responsibility to immediately contact parking services in the event that their vehicle becomes inoperable.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-830 Other violations and sanctions.

(1) Late payment of fines: Forty-five days after issuance of a notice of violation a ~~((five-dollar))~~ ten-dollar charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(2) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A ~~((thirty-five))~~ fifty-dollar fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device; or

(v) Is illegally parked in a disability space.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours ~~((in a location where towing away is impossible or impractical))~~ will be assessed a storage fee of ~~((five))~~ ten dollars for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices, shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A ~~((thirty-five))~~ fifty-dollar wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

PERMANENT

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

(3) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

WAC 504-15-860 Appeals procedure. (1) Purpose: The parking appeals committee serves two primary functions:

- (a) To assure an impartial evaluation of the circumstances relating to a particular parking violation; and
- (b) To aid in the appraisal of parking and traffic problems.

(2) Procedure: Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from parking services. The appeal must be in writing and received at parking services in the safety building within ten calendar days after receipt of notice of the violation. Forms for this purpose are available from parking services. The parking appeals committee will make an initial decision on the appeal within twenty calendar days during the academic year and forty-five calendar days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.

(3) Review of initial decision: If the appellant is dissatisfied with the initial decision, he/she may request a hearing before a hearing officer or appeals committee. Such request must be made within ten calendar days of service of the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of parking services may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and serve appellant with the decision within five calendar days after the review hearing.

(4) Appeal to district court: RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the parking services office in the safety building within ten calendar days after service of written notice of the

final decision. Parking services will forward the documents relating to the appeal to the district court.

NEW SECTION

WAC 504-15-930 Bicycles, skateboards, and rollerskates. (1) The riding and use of bicycles, skateboards, and rollerskates is prohibited from the Terrell Mall, and all building plazas, interior building spaces, parking structures, and parking structure ramps.

(2) Bicycles, skateboards, and rollerskates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and rollerskates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

WSR 95-13-004

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed June 8, 1995, 9:58 a.m.]

Date of Adoption: May 12, 1995.

Purpose: To notify users of WSU libraries of practices and procedures used by the libraries.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-40-040 and 504-40-050; and amending WAC 504-40-010, 504-40-020, 504-40-030, and 504-40-060.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150.

Pursuant to notice filed as WSR 95-04-028 on January 23, 1995.

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

June 5, 1995

Lou Ann Pasquan
Rules Coordinator

AMENDATORY SECTION (Amending Order 81-2, Resolution No. 7/81-11, filed 8/7/81)

WAC 504-40-010 General policies. (1) The major functions of the Washington State University libraries (~~(-major functions)~~) are to ((acquire and preserve)) provide access to the corpus of information and ((knowledge)) documents essential to the institution's teaching, research, and service programs, especially by acquiring and preserving material; to organize ((this information and knowledge)) these materials; to store ((#)) them; to retrieve ((#)) them upon demand; and to adapt and to assist in adapting ((#)) them for most effective use.

The WSU libraries' collections contain this information and knowledge in its physical forms—books, journals, manuscripts, microforms, films, recordings, maps, magnetic data files, and other resources including equipment significant to the teacher, the student, and the researcher.

(2) ~~The WSU libraries' policies~~ (~~(-rules,-)~~) and regulations are based on the belief that the needs of the university community as a whole take precedence over individual convenience.

(3) Upon request and suitable justification by the library user, exceptions to the regulations may be made. To insure that exceptions are made with the full knowledge of the research and instructional needs of the university community, such exceptions may be made only by ~~((a))~~ an appropriate library faculty or staff member (~~(of the library faculty)~~) as designated by the director of libraries or the campus librarian at a WSU branch campus.

(4) In the WSU libraries' buildings persons are expected to maintain appropriate public behavior. No ~~((eating of))~~ food ~~((or drinking of))~~, beverages ~~((is))~~, or use of tobacco are allowed in the reading and study areas. Smoking is not permitted ~~((only where posted))~~ in the libraries.

(5) ~~((Consistent))~~ Violators of WSU libraries' regulations may be subject to appropriate disciplinary action by the university.

(6) ~~((As a general rule))~~ Unless otherwise required by law, the WSU libraries will not release the name ~~((s))~~ or address of the borrower ~~((s to other library users))~~ who has or had an item checked out or who has placed a hold on an item.

(7) ~~((All of the libraries'))~~ These policies (~~(-rules,-)~~) and regulations will apply equally to all libraries operated by the ~~((Washington State University))~~ WSU libraries.

(8) The board of regents reserves the right to add, delete, or modify portions of these ~~((rules and))~~ regulations ~~((including the fine schedules,-))~~ in accordance with its regulations and applicable laws.

AMENDATORY SECTION (Amending Order 81-2, Resolution No. 7/81-11, filed 8/7/81)

WAC 504-40-020 Library patron identification. (1) Under the regulation ~~((s))~~ governing the use of varying types of resources by different groups of library patrons, the WSU libraries' resources, facilities, and services are available to the Washington State University community, citizens of the state, students, faculty and staff of other academic institutions, and special borrowers not otherwise identified who have been granted permission to borrow library materials.

(2) Borrower identification cards: In order to check out library materials, each borrower must present one of the following valid authorized library borrower cards:

(a) A WSU faculty or staff card;

(b) A WSU student ID card with current validation;

(c) An off-campus borrower card with current validation; or

(d) A proxy card with current validation.

(3) Borrower identification cards are uniformly issued to all members of the university community. Verification of the status of the borrower conferred by the card is the responsibility of the issuing authority and the status cannot be altered by the WSU libraries.

(4) Upon application and with proper identification, the WSU libraries will issue authorized borrower cards to persons (high school age or older) who are not members of the university community.

(5) A borrower card is authorized for use only by the person whose name appears on the card.

(6) Cards used in an unauthorized manner or cards reported as lost or stolen may be confiscated.

(7) Each borrower is responsible for keeping the appropriate university office informed of changes of address.

AMENDATORY SECTION (Amending Order 81-2, Resolution No. 7/81-11, filed 8/7/81)

WAC 504-40-030 Internal use of library materials, facilities, and services. (1) Although the largest part of the collection is free to circulate outside the WSU libraries ~~((and most of the rest may circulate for restricted periods))~~, certain kinds of materials ~~((due to their nature,-))~~ are restricted to use within the WSU libraries. These may be ~~((freely))~~ consulted or read within the WSU libraries.

(a) Reference materials, abstracts and indexes, special reserve and noncirculating periodicals (bound and unbound) as determined by the appropriate unit of the WSU libraries ~~((s))~~. These selected ~~((reference))~~ materials ~~((and periodicals))~~, normally restricted to ~~((internal))~~ in-library use, may circulate in very unusual circumstances ~~((usually for a two-hour or one-day period))~~ with special permission upon approval of an appropriate library faculty or staff member.

(b) Manuscripts, archives, and special collections: These rare, often irreplaceable, and sometimes unique ~~((and often irreplaceable))~~ materials may be used only within the manuscripts, archives, and special collections unit. Each user must register with the attendant, must take extreme care in handling the materials, must keep intact their exact order and arrangement, and must make all notes in pencil, or with a typewriter, microcomputer, or similar device.

NEW SECTION

WAC 504-40-045 External use of library resources.

(1) Borrowing of library materials:

(a) Borrowers are expected to check out library material personally or by official proxy.

(b) WSU faculty may appoint not more than two proxies to borrow on their behalf, but each proxy must hold his or her own valid authorized borrower card. Information about proxy identification cards may be obtained from the circulation desk of any library.

(c) Borrowers are responsible for material checked out in their names until the material is returned. Faculty utilizing proxy borrowers assume the responsibility for all materials borrowed in their name by their proxies.

(d) WSU faculty, staff, and students stationed at locations away from the Pullman campus may borrow library materials through extended campus library services or interlibrary loans.

(2) Due dates for library materials: Material is due on the date and hour specified at the time checked out or as adjusted by recall. Material loaned on an hourly basis is due at the library unit from which it was borrowed by the date and hour specified.

(3) Return of library materials:

(a) Reserve materials, periodicals, and special loans must be returned directly to the library unit from which they were borrowed. If they are returned to another library unit,

they will be considered returned at the date and time they are received at the unit from which they were borrowed.

(b) Other material is considered returned on the date it is checked in at any unit of the library system. This does not apply to departmental libraries not operated by the WSU libraries.

(c) Materials returned to "book return" receptacles during closed hours are considered to have been returned at closing time of the previous open day.

(4) Holds:

(a) All borrowers may place holds on nonreserve material which is checked out.

(b) Borrowers may not place a hold on material checked out to themselves.

(c) Library units may place holds on any nonreserve material.

(d) Material on which a hold has been placed may not be renewed.

(e) Material which has one or more holds may be checked out for a maximum of two weeks.

(f) When material on which a hold has been placed is returned, it is held and the requester is informed of its availability.

(g) The following order of priority of holds is observed:

(i) Reserve units.

(ii) Campus borrowers, in order by day of hold.

(iii) Off-campus borrowers, in order by day of hold.

(iv) Other library units.

(h) The order of priority of holds may be adjusted by the unit head or designee.

(5) Recalls and searches:

(a) Recalls:

(i) Material on which a hold has been placed will be recalled if the adjusted date due is earlier than the original date due.

(ii) For holds placed by borrowers, the adjusted date due is two weeks from the date checked out or seven days from the date of the hold, whichever is later.

(b) Searches:

(i) All borrowers and library units may place searches for material which cannot be located.

(ii) If the material on which a search has been placed is located, it is held and the requester is informed of its availability.

(6) Renewal of library material:

(a) Renewals of loaned material are permitted unless material has restricted status or has been requested by another borrower. (See also WAC 504-40-055 (2)(g).)

(b) Renewals may be requested by providing borrower identification number and material identification numbers if necessary.

(c) All material may be renewed indefinitely unless requested by means of a hold.

(d) Overdue material may be renewed subject to same conditions as similar material not overdue. Fines accrue and will be assessed for the overdue period. However, overdue material on which a replacement charge has been assessed must be brought back to the circulation desk of the library from which it was borrowed for renewal.

(7) There is no limit to the number of items which may be borrowed at one time by WSU faculty, students, and staff, except for reserve materials as outlined in WAC 504-

40-055 (2)(g)(i). All other borrowers are limited to twenty-five items at one time.

(8) In accordance with general policy, and upon request and suitable justification by the library user, exceptions to these regulations may be made. To insure that exceptions are made with the full knowledge of the research and instructional needs of the university community, such exceptions may be made only by an appropriate library faculty or staff member as designated by the director of libraries or the campus librarian at a WSU branch campus.

NEW SECTION

WAC 504-40-055 Loan time periods. (1) Basis of loan time periods: The WSU libraries have established loan time periods based on anticipated demand for the various forms of material by the several classes of users.

(2) Loan time periods:

(a) Noncirculating materials may not be checked out except, in very unusual circumstances, by special permission.

(b) Circulating materials (bound and unbound) may be checked out for two hours, or one, three, seven, fourteen, or thirty days as designated.

(c) The normal loan period for all users is thirty days, subject to recall of material after fourteen days if requested by another borrower.

(d) Books borrowed for the normal loan period by Washington State University faculty and graduate students, if not recalled, may be retained without penalty to the end of the semester. At that time the material must be returned or renewed.

(e) An item may be recalled at any time after it has been borrowed if it is needed for reserve or other restricted status.

(f) Reserve materials:

(i) Only two reserve items may be checked out by one borrower at a time.

(ii) Reserve materials may be renewed only if no one else has requested the item.

(iii) Reserve materials are not subject to recall or to holds.

(iv) Faculty members (and others) who have placed materials from their personal collections on reserve may request return of such personal possessions at any time.

(g) Special collections and categories: Certain material is maintained in special collections or has been defined as belonging to special categories. Borrowers should consult a member of the special collections staff concerning condition of use for these materials.

(h) Exceptions: Upon request and suitable justification by the borrower, exceptions to these regulations may be made. To insure that exceptions are made with the full knowledge of the research and instructional needs of the university community, such exceptions may be made only by an appropriate library faculty or staff member as designated by the director of libraries or the campus librarian at a WSU branch campus.

AMENDATORY SECTION (Amending Order 81-2, Resolution No. 7/81-11, filed 8/7/81)

WAC 504-40-060 Fines and charges. (1) **System-wide applicability of fines and charges:**

All borrowers are subject to a uniform system of fines and charges for late return of library materials and for replacement costs when required.

(2) **Notice of due dates and overdue materials:**

(a) Overdue notices are sent (~~(five days)~~) subsequent to the date due for all materials (~~(on 30 day or longer loan time periods)~~) checked out through the on-line circulation system.

(b) For two-hour, and one-, three-, and seven-day materials and special category materials, overdue notices may be phoned if possible, or borrowers may be notified by mail.

(c) Failure to receive a notice or invoice does not exempt the borrower from charges.

(d) Failure to inform the (~~(libraries)~~) university of changes of address does not exempt the borrower from charges.

(3) ~~(Payment of)~~ **Fines and charges:**

(a) Fines and/or replacement charges are assessed when library material is not returned by the due date specified for the material.

(b) Approved fine rates, maximum fines for specific types of materials, and basic replacement fees are available in each of the libraries.

(c) Specific fine rates and basic charges for replacement, rebinding, etc., are established for each biennium.

(d) Fine rates and charges for replacement, rebinding, etc., will be reviewed prior to the beginning of each biennium for possible adjustment by appropriate WSU libraries personnel. Proposed adjustments to established fine rates will be submitted through the WSU faculty senate library committee to the WSU faculty senate for approval.

(e) The most recently approved fine schedule is incorporated into these rules by reference. Copies are available at all circulation desks.

(f) All fines accrue from the time material becomes overdue.

(g) Fines do not accrue when the library from which the material was borrowed is closed.

(h) If a loan period has been extended by special permission, the overdue fine is assessed according to the original loan category of the material. For materials circulated by special permission or normally categorized as noncirculating, the fine rate will be assessed on an hourly basis.

(i) The libraries have the right to reduce or forgive fines and charges for patrons with bona fide reasons for not returning materials when due.

(4) **Payment of fines and charges:**

(a) ~~Fines and charges ((may be)) are paid ((at the Holland Library circulation desk until the charges have been referred to the controller))~~ through WSU accounts receivable. Payment may be made by cash, check, or money order. Departmental purchase orders or interdepartmental requisitions and invoices are not acceptable ((on the basis that)) as payment because fines may not be ((appropriately)) paid by departmental, grant, or any other funds controlled by the university.

(b) Failure to pay fines and charges will result in the total amount assessed being referred (~~(to the controller's office))~~ for collection. The controller may, if other collection methods fail, (~~(deduct outstanding fines from the salary warrants of employees to secure payment, or))~~ withhold outstanding fines from damage deposits or other funds held for any students. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing copies of student transcripts or to withhold permission to reenroll for an ensuing term until outstanding fines are paid.

(c) Failure to pay fines and charges may also result in revocation of borrowing privileges by the director of libraries.

~~((4)) Fines and charges:~~

~~(a) For materials on 30 day or longer loan periods:~~

~~The overdue fine is \$0.25 per day beginning the day the material becomes overdue.~~

~~EXCEPTION: See WAC 504 40 060 (4)(d) for fines on recalled material.~~

~~(b) For materials limited in circulation to two hours or less, including two hour reserve materials: The overdue fine is \$1.00 for the first hour or fraction thereof and \$0.25 for each succeeding hour or fraction thereof.~~

~~(c) For one-, three-, and seven-day materials: The overdue fine is \$1.00 for the first day and \$0.25 for each subsequent day, accumulating from the time the material is due.~~

~~EXCEPTION: Reserve materials of this category are fined at \$1.00 for the first day and \$0.50 for each subsequent day.~~

~~(d) For recalled material: The fine for recalled material is \$1.00 for the first day and \$0.50 per day thereafter, accumulating from the new assigned "date due" as indicated on the recall notice. The new assigned "date due" is five days after recall is initiated but not, in the case of 30 day material, before the end of the 14 day period assured the original borrower unless material is recalled for reserve or other restricted status. (WAC 504 40 050 (2)(b)(i) as limited by WAC 504 40 050 (2)(b)(iii).)~~

~~(e) For materials circulated by special permission but normally categorized as noncirculating: If overdue, fine is \$0.25 per hour.~~

~~(f) For audio visual equipment: The overdue fine is \$0.25 for every hour or fraction thereof.~~

~~(g) For materials from instructional media services: Late return of materials from instructional media services' collections are treated as an extended loan by the user, subject to prorated rental charges based upon the fees listed in films for teaching, the university's film catalog.~~

~~(h) Repeated late return by a single user of instructional media services' equipment or materials will be considered grounds for discontinuance of service to that user. A letter of warning will be sent to the offender before final action is taken.~~

~~(i) All fines accrue from the time material becomes overdue.~~

~~(j) Fines do not accrue when the libraries are closed.~~

~~(k) If a loan period has been extended by special permission, the overdue fine is that of the original loan category of the material.~~

~~(l) The libraries have the right to reduce or forgive fines and charges for patrons with bona fide excuses for not returning materials when due.~~

~~(m) The maximum fine for audio-visual equipment is \$15.00. The maximum fine for two-hour material is \$10.00. The maximum fine for all other library material is \$7.50.)~~

(5) Replacement charges:

(a) If library material or equipment is lost, or not returned by the time the maximum fine has accumulated, a replacement charge will be assessed.

This replacement charge includes the ~~((list-price))~~ estimated replacement cost of the material plus a nonrefundable service charge ~~((of \$10.00))~~ to cover the costs of searching, correspondence, cataloguing, ~~((binding-))~~ etc. ~~((This))~~ The replacement charge ~~((is))~~ and service charge are added to the maximum fine, and the delinquent borrower is charged this total sum.

(b) If material upon which a replacement charge has been assessed is found and returned within six months of the assessment date, the ~~((purchase-price))~~ replacement cost of the material will be refunded. The service charge and overdue fine are not refundable.

(c) Library patrons who mutilate library materials or return mutilated materials that have been checked out to them will be charged a library administrative fee plus replacement costs for each item involved.

(d) All library materials, regardless of fines and fees paid, remain state property.

(e) In accordance with general policy, and upon request and suitable justification by the library user, exceptions to these regulations may be made.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 504-40-040 External use of library resources.
- WAC 504-40-050 Loan time periods.

WSR 95-13-024
PERMANENT RULES
GAMBLING COMMISSION
 [Filed June 13, 1995, 10:29 a.m.]

Date of Adoption: June 9, 1995.

Purpose: Amendment would allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement and other state agencies do not object.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-400.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-09-060 on April 18, 1995.

Changes Other than Editing from Proposed to Adopted Version: Changes clarify conditions under which original proposal will remain in effect.

Effective Date of Rule: Thirty-one days after filing.
June 13, 1995

Michael R. Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 118, filed 1/22/82)

WAC 230-40-400 Hours limited for card games.
The hours during which card games may be played in licensed public card rooms shall be limited as follows:

(1) Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.: *Provided*, That the director may allow closing hours to be adjusted up to 4:00 a.m. so long as the following conditions remain in effect:

(a) The local law enforcement agency with jurisdiction concurs;

(b) Other state agencies involved in regulation of the business do not object; and

(c) A licensee must observe a four-hour period of closure at the end of each business day before beginning the next period of operation.

(2) The food and/or drink business being stimulated shall be open to the public for business any time card games are conducted: *Provided*, That entry to the business by new customers may be limited if access to the premises is open to the commission, law enforcement, or other state or local regulatory agencies, and service of food and nonalcoholic beverages is available for customers remaining on the premises after 2:00 a.m.

~~((No card games shall be allowed in any public card room at any time the profit-seeking retail business to be stimulated thereby is not open to the public for business.))~~

(3) At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

WSR 95-13-025
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed June 13, 1995, 11:07 a.m., effective July 31, 1995]

Date of Adoption: June 8, 1995.

Purpose: In order to improve clarity, some definitions have been moved to the Asbestos section and are no longer needed in the Special Definitions section.

Citation of Existing Rules Affected by this Order: Amending Regulation III: Section 1.08.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 95-10-059 on May 3, 1995.

Effective Date of Rule: July 31, 1995.

June 12, 1995
James L. Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION III SECTION 1.08 SPECIAL DEFINITIONS

(a) **ACCEPTABLE SOURCE IMPACT LEVEL (ASIL)** means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air

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quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of this Regulation III.

~~((b) ADEQUATELY WET means sufficiently mixed, saturated, penetrated, or coated with a continuous fine mist of water or an aqueous solution to prevent emissions.))~~

~~(b) ((e)) AMPERE-HOURS means the integral of electrical current applied to a plating or anodizing tank (amperes) over a period of time (hours).~~

~~(c) ((d)) ANTI-MIST ADDITIVE means a chemical which reduces the hexavalent chromium emission rate from a tank.~~

~~((e) ASBESTOS means the asbestiform varieties of actinolite, amosite (cumingtonite-grunerite), tremolite, ehrysotile (serpentinite), erocidolite (riebeckite), or anthophyllite.))~~

~~((f) ASBESTOS-CONTAINING MATERIAL means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include asbestos-containing roofing material, regardless of asbestos content, when the following conditions are met:~~

~~(1) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and~~

~~(2) The binder is petroleum-based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and~~

~~(3) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and~~

~~(4) The building, vessel, or structure containing the asbestos-containing roofing material will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.))~~

~~((g) ASBESTOS-CONTAINING WASTE MATERIAL means any waste that contains asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos-containing material taken for testing or enforcement actions.))~~

~~((h) ASBESTOS PROJECT means the construction, demolition, repair, remodeling, maintenance, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.))~~

~~((i) ASBESTOS SURVEY means an inspection using the procedures contained in 40 CFR 763.86, or an alternate~~

~~method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, removed, or demolished, contain asbestos. In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.))~~

~~((j) CERTIFIED ASBESTOS WORKER OR SUPERVISOR means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.))~~

~~(d) ((k)) CHROMIC ACID ANODIZING means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.~~

~~(e) ((h)) CHROMIC ACID PLATING means an electrolytic process by which chromium is deposited on a base metal surface.~~

~~(f) ((m)) COLD SOLVENT CLEANER or COLD CLEANER means a degreasing tank in which a solvent with a true vapor pressure greater than 4.2 kPa (0.6 psia) is not heated at or above the boiling point.~~

~~((n) COLLECTED FOR DISPOSAL means sealed in a leak-tight container while adequately wet.))~~

~~((o) COMPONENT means any equipment, pipe, structural member, or other item covered, coated, or manufactured from asbestos-containing material.))~~

~~((p) CONTROLLED AREA means an area to which only certified asbestos workers, or other persons authorized by Section 3.05 of Regulation I or the Washington Industrial Safety and Health Act, have access. For residential dwellings, the controlled area is the interior of the dwelling.))~~

~~((q) DEMOLITION means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For residential dwellings, a demolition means the wrecking, dismantling, or removal of any load-bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.))~~

~~((r) EMERGENCY ASBESTOS PROJECT means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or loss of vital utilities. Such events may include earthquakes, floods, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.))~~

~~(g) ((s)) ETHYLENE OXIDE AERATOR means any equipment, space, or room in which air is used to remove residual ethylene oxide from sterilized materials.~~

~~(h) ((t)) ETHYLENE OXIDE STERILIZER means any chamber or related piece of equipment that uses ethylene oxide or an ethylene oxide mixture in any sterilization or fumigation process.~~

~~(i) ((u)) FREEBOARD RATIO means the freeboard height (the distance from the top of the degreaser to the air/solvent vapor interface) divided by the width (lesser horizontal dimension) of the degreaser (measured at the top).~~

**WSR 95-13-026
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

(Filed June 13, 1995, 11:09 a.m., effective July 31, 1995)

Date of Adoption: June 8, 1995.

Purpose: To adopt new asbestos regulations in order to improve clarity, coordinate requirements with the Washington State Department of Labor and Industries, reduce paperwork, increase flexibility, and concentrate on the most hazardous asbestos materials.

Citation of Existing Rules Affected by this Order:

Repealing Regulation III: Sections 4.01, 4.02, 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 95-10-060 on May 3, 1995.

Changes Other than Editing from Proposed to Adopted Version: The changes made between the proposed version and the adopted version were to further clarify the rules and were based on oral and written comments we received.

<u>Section</u>	<u>Change</u>
4.01(a)	Clarified the reference to the EPA regulations in the definition of AHERA Building Inspector.
4.01(e)	Included waste that "is contaminated with" asbestos-containing material in the definition of Asbestos-Containing Waste Material.
4.02 (a)(1)	Added "or communicated in writing to all contractors involved in the renovation."
4.02 (a)(4) and (b)(3)	Added "a summary" of the results.
4.03 and 4.04	Reversed the order of these two sections.
4.03 (b)(2)	Deleted this section. (4.03 (b)(3) then becomes 4.03 (b)(2)).
4.03(d)	Added a footnote for the table.
4.04(b)	Included "a licensed structural engineer."
4.05 (b)(2)	Added "transparent" viewing ports.
4.05 (b)(6)	Added "being" removed and asbestos-containing materials that "are being removed."
4.07(d)	Added "or other places receiving the prior written approval of the Control Officer" and deleted "water."

Effective Date of Rule: July 31, 1995.

June 12, 1995
James L. Nolan
Director - Compliance

REPEALER

REGULATION III SECTION 4.01 APPLICATION REQUIREMENTS AND FEES

REPEALER

REGULATION III SECTION 4.02 PROCEDURES FOR ASBESTOS EMISSION CONTROL

~~((v) HEPA FILTER means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.97% efficiency.))~~

~~((w) LEAK-TIGHT CONTAINER means a dust-tight container, at least 6 mil thick, that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.))~~

~~((x) LOCAL EXHAUST VENTILATION AND COLLECTION SYSTEM means a system as described in Appendix J of EPA 560/565-024 (Guidance for Controlling Asbestos-Containing Materials in Buildings).))~~

~~((y) OWNER OR OPERATOR means any person who owns, leases, operates, controls, or is responsible for activities at an asbestos project site, or an asbestos project operation, or both.))~~

~~((z)) REFRIGERATED FREEBOARD CHILLER means a set of cooling coils situated above the condenser which operates at 2°C or less.~~

~~((aa) RESIDENTIAL DWELLING means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one owner as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include single or multiple family rental units. This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed-use building, structure, or installation that contains a residential unit.))~~

~~((bb)) TOXIC AIR CONTAMINANT (TAC) means any air contaminant listed in Appendix A of this Regulation III or listed in the Administrative Regulations of the United States of America in 40 CFR Part 372, Subpart D, as both now exist or are hereinafter amended, and both of which by this reference are incorporated herein and made a part hereof.~~

~~((cc)) VAPOR DEGREASER means a degreasing tank in which the solvent is heated at or above the boiling point.~~

~~((dd) VISIBLE EMISSIONS means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.))~~

~~((ee) WASTE GENERATOR means any owner or operator of a source whose act or process produces asbestos-containing waste material.))~~

~~((ff) WASTE SHIPMENT RECORD means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.))~~

~~((gg) WORKING DAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.))~~

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REPEALER**REGULATION III SECTION 4.03 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL****NEW SECTION****REGULATION III SECTION 4.01 DEFINITIONS**

- (a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.
- (b) **AHERA PROJECT DESIGNER** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.
- (c) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (d) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations (Appendix A, Subpart F, 40 CFR Part 763, Section I, Polarized Light Microscopy).
- (e) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- (f) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of asbestos-containing material, or any other action that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- (g) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.
- (h) **COMPETENT PERSON** means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).
- (i) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.
- (j) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.
- (k) **FRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.
- (l) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- (m) **NONFRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.
- (n) **OWNER-OCCUPIED, SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.
- (o) **PERSON** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- (p) **RENOVATION** means altering a facility or a component in any way, except demolition.
- (q) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.
- (r) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.
- (s) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

NEW SECTION**REGULATION III SECTION 4.02 ASBESTOS SURVEY REQUIREMENTS****(a) Requirements for Renovations**

It shall be unlawful for any person to cause or allow a renovation unless the property owner or the owner's agent determines if there are suspect asbestos-containing materials in the work area and obtains an asbestos survey of any suspect asbestos-containing materials by an AHERA building inspector. An AHERA building inspector is not required for asbestos surveys associated with the renovation of an owner-occupied, single-family residence.

- (1) If there are no suspect materials in the work area, this determination shall either be posted at the work site or communicated in writing to all contractors involved in the renovation.
- (2) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (3) Except for renovations of an owner-occupied, single-family residence, only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (4) A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(b) Requirements for Demolitions

It shall be unlawful for any person to cause or allow any demolition unless the property owner or the owner's agent obtains an asbestos survey by an AHERA building inspector of the structure to be demolished.

- (1) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (2) Only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (3) A summary of the results of the asbestos survey shall either be posted by the property owner of the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

NEW SECTION**REGULATION III SECTION 4.03 NOTIFICATION REQUIREMENTS****(a) General Requirements**

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification has been submitted to the Control Officer on Agency-approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

- (1) Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per year) of any asbestos-containing material. Notification is not required for removal of nonfriable asbestos-containing caulking or nonfriable asbestos-containing roofing material. **All other asbestos project requirements remain in effect.**
- (2) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.
- (3) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.
- (4) A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be available for inspection at all times at the asbestos project or demolition site.
- (5) Notification for multiple asbestos projects or demolitions may be filed on one form if all the following criteria are met:
 - (A) The work will be performed continuously by the same contractor;
 - (B) The structures are in a group or can be managed as a group;
 - (C) The project specifications regarding location and amount of asbestos-containing material to be removed from each location, and the project work schedule, are provided in detail for each segment of the project; and
 - (D) All asbestos projects or demolitions are under one contract.
- (6) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

 - (A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;
 - (B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and
 - (C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

- (A) Increases in the job size category that increase the fee or change the advance notification period;
- (B) Changes in the type of asbestos-containing material that will be removed; or
- (C) Changes in the work schedule, including hours of work, unless the asbestos contractor or property owner participates in the Agency work schedule fax program.

(2) Optional Amendments

An amendment may be submitted to the Control Officer for any other change in a notification and

shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

- (1) There was a sudden, unexpected event that resulted in a public health or safety hazard;
- (2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- (3) Hidden asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- (4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence (asbestos project and/or demolition)	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$125
Asbestos Project includes demolition fee*	10 - 259 linear ft 48 - 159 square ft	3 Days	\$125
Asbestos Project includes demolition fee	260 - 999 lin ft 160 - 4,999 sq ft	10 Days	\$250
Asbestos Project includes demolition fee	1,000 - 10,000 lin ft 5,000 - 50,000 sq ft	10 Days	\$500
Asbestos Project includes demolition fee	10,000 + lin ft 50,000 + sq ft	10 Days	\$1,000
Emergency	4.03(c)	Prior Notice	Additional fee equal to project fee
Amendment	4.03(b)	Prior Notice	\$25
Alternate Means of Compliance (demolitions or friable asbestos-containing materials)	4.06 (a) or (c)	10-Day Review Period	Additional fee equal to project fee

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Alternate Means of Compliance (nonfriable asbestos-containing materials)

4.06(b)

Concurrent with the project period

Additional fee equal to project fee

Annual

4.03 (a)(6)

Prior Notice

\$1,000

*Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

NEW SECTION

REGULATION III SECTION 4.04 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION

(a) Removal of Asbestos Prior to Renovation or Demolition

Except as provided in Section 4.06(c) of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this regulation.

Asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

(b) Exception For Hazardous Conditions

Asbestos-containing material need not be removed prior to a demolition, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

(b) Asbestos Removal Work Practices

Except as provided in Section 4.06 of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

- (1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.
- (2) If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.
- (3) Absorbent materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.
- (4) Nonabsorbent materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.
- (5) Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access to the asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.
- (6) Except for surfacing materials being removed inside a negative pressure enclosure, asbestos-containing materials that are being removed, have been removed, or may have fallen off components

NEW SECTION

REGULATION III SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS

(a) Training Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

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during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.

- (7) All asbestos-containing waste material shall be kept wet and shall be sealed in leak-tight containers (free of all asbestos residue) while still wet, as soon as possible after removal but no later than the end of each work shift.
 - (8) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
 - (9) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
 - (10) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
 - (11) The asbestos-containing waste material shall be stored in the controlled area until transported to an approved waste disposal site.
- (c) Method of Removal for Nonfriable Asbestos-Containing Roofing Material

The following asbestos removal method shall be employed for asbestos-containing roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Project Designer:

- (1) The nonfriable asbestos-containing roofing material shall be removed using methods such as spud bar and knife. Removal methods such as sawing or grinding shall not be employed;
- (2) Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable asbestos-containing roofing material;
- (3) Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust;
- (4) After being lowered to the ground, the nonfriable asbestos-containing roofing material shall be immediately transferred to a disposal container; and
- (5) Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material.

NEW SECTION

REGULATION III SECTION 4.06 ALTERNATE MEANS OF COMPLIANCE

- (a) Friable Asbestos-Containing Material Removal Alternative

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

- (b) Nonfriable Asbestos-Containing Material Removal Alternative

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

- (c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition

Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Order of Approval for cause.

NEW SECTION

REGULATION III SECTION 4.07 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

- (a) Except as provided in Section 4.07(c) of this Regulation, it shall be unlawful for any person to cause or

allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

(b) Waste Tracking Requirements

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless the following requirements are met:

- (1) Maintain waste shipment records, beginning prior to transport, using a form that includes the following information:
 - (A) The name, address, and telephone number of the waste generator;
 - (B) The approximate quantity in cubic meters or cubic yards;
 - (C) The name and telephone number of the disposal site operator;
 - (D) The name and physical site location of the disposal site;
 - (E) The date transported;
 - (F) The name, address, and telephone number of the transporter; and
 - (G) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable international and government regulations.
- (2) Provide a copy of the waste shipment record to the disposal site at the same time the asbestos-containing waste material is delivered.
- (3) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.
- (4) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.
- (5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

(c) Temporary Storage Site

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all the following conditions are met:

- (1) Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;
 - (2) All asbestos-containing waste material shall be stored in leak-tight containers and the leak-tight containers shall be maintained in good condition;
 - (3) The storage area must be locked except during transfer of asbestos-containing waste material; and
 - (4) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.
- (d) Disposal of Asbestos Cement Pipe

Asbestos cement pipe used on public right-of-ways, public easements, or other places receiving the prior written approval of the Control Officer may be buried in place if the pipe is covered with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material shall be disposed of at a waste disposal site authorized to accept such waste.

WSR 95-13-030
PERMANENT RULES
GAMBLING COMMISSION
 [Filed June 13, 1995, 2:33 p.m.]

Date of Adoption: June 9, 1995.

Purpose: This rule sets out guidelines for suspension or revocation of licenses for failure to pay applicable gambling taxes.

Citation of Existing Rules Affected by this Order:
 Amending WAC 230-50-010.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-07-097 on March 17, 1995.

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

June 13, 1995

Michael R. Aoki-Kramer
 Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 231, filed 9/18/92, effective 10/19/92)

WAC 230-50-010 Adjudicated proceedings—Hearings. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the

opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicated proceeding unless an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);

(d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);

(e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; or

~~((d))~~ (f) Where the parties have stipulated to the use of brief adjudicative proceedings.

WSR 95-13-031
PERMANENT RULES
GAMBLING COMMISSION
[Filed June 13, 1995, 2:35 p.m.]

Date of Adoption: June 9, 1995.

Purpose: To formalize agency policy regarding recoupment of law enforcement expenses.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-07-110 on March 20, 1995.

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

June 13, 1995

Michael R. Aoki-Kramer
Rules and Policy Coordinator

NEW SECTION

WAC 230-04-405 Commission will seek reimbursement for costs incurred in pursuing license revocation for failure to pay gambling taxes. Pursuant to WAC 230-04-400(3), upon referral from a local taxing authority, the commission may initiate license revocation actions for failure to pay gambling taxes. The commission will seek reimbursement for costs incurred in pursuing these gambling tax actions from the delinquent licensee.

WSR 95-13-032
PERMANENT RULES
GAMBLING COMMISSION
[Filed June 13, 1995, 2:37 p.m.]

Date of Adoption: June 9, 1995.

Purpose: This rule allows tribal casinos a mechanism to increase wagering limits, wagering stations, and hours of operation through Phase II investigative review and commission approval process.

Statutory Authority for Adoption: RCW 9.46.360.

Pursuant to notice filed as WSR 95-07-096 on March 17, 1995.

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

June 13, 1995

Michael R. Aoki-Kramer
Rules and Policy Coordinator

NEW SECTION

WAC 230-48-010 Tribal-state compacts—Phase II commission review. (1) Pursuant to each tribal/state compact and upon successful completion of a Phase II investigative review, the director shall forward a summary of the material aspects of the investigative review with a recommendation for approval to Phase II status to the commissioners at least seven days prior to a meeting of the commission.

(2) At least ten days prior to the same meeting, the director's recommendation along with a notice of formal review shall be forwarded to the tribal government and local law enforcement agencies surrounding the Class III gaming operation. The notice shall set forth the proposed action and instructions for submission of written comments to the formal review process.

(3) During the meeting of the commission for which notice of formal review was given, the commission shall conduct a review of the Class III gaming operation. The review shall address the following criteria:

(a) Whether there have been any violations of the provisions of the compact which have resulted in sanctions imposed by the Federal District Court;

(b) Whether there have been any violations of the compact which are substantial or, due to repetition, would be deemed material;

(c) Whether there have been any material adverse impacts on the public safety or welfare of the surrounding communities in the nature of criminal activities directly related to the operation of the Class III operation;

(d) Whether there have been any unresolved and material violations of Appendix A of the compact; and

(e) Whether the tribal gaming agency has developed an adequate program of regulation and control and demonstrated an adequate level of proficiency, which includes the hiring of trained tribal gaming agents, an independent regulatory and reporting structure that is separate from that of the gaming operation or tribal bodies, a thorough and developed system for the reporting of compact violations, and a strong and consistent presence within the Class III facility.

(4) Upon completion of the review, the commission shall either approve, deny, or grant a conditional Phase II approval.

(5) If Phase II is denied or conditionally approved, the commission shall within ten working days issue a written order to the tribe setting forth the basis for the decision.

WSR 95-13-037
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed June 14, 1995, 9:38 a.m.]

Date of Adoption: May 10, 1995.

Purpose: Allow laboratories which currently report to the Department of Health per WAC 246-100-236(5) on a quarterly basis the option of reporting monthly; require laboratories which send specimens for T-lymphocyte testing to out-of-state facilities to submit to the same reporting requirements as laboratories which perform T-lymphocyte testing in-state.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-100-236(5).

Statutory Authority for Adoption: RCW 70.24.130.

Pursuant to notice filed as WSR 95-08-026 on March 29, 1995.

Changes Other than Editing from Proposed to Adopted Version: No significant changes were made.

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

May 31, 1995

Sylvia 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))~~ June 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.

<u>10</u>	<u>67/64</u>
<u>10 1/2</u>	<u>64/64</u>
<u>11</u>	<u>61/64</u>
<u>11 1/2</u>	<u>57/64</u>
<u>12</u>	<u>54/64</u>

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

- (i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or
- (ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. (~~Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter.~~)

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/64 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in subsection (2)(b) of this section.

NEW SECTION

WAC 16-414-015 Northwest No. 1 grade and tolerances defined. (1) Northwest No. 1 shall consist of sweet cherries which meet the requirements of Washington No. 1 as defined in WAC 16-414-010 (1) and (2), except for tolerances.

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Northwest No. 1. Ten percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than five percent shall be

WSR 95-13-038

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 14, 1995, 10:32 a.m.]

Date of Adoption: June 1, 1995.

Purpose: To duplicate the federal marketing order (FMO) with identical standards for cherries but include all production areas of Washington. Add container marking requirements, and row count/row size to container marking. Create new NW No. 1 grade reflective of FMO and WA No. 1 grades. Duplicate current FMO for inspection, establish inspection requirements for dark cherry varieties.

Citation of Existing Rules Affected by this Order: Amending chapters 16-414 and 16-461 WAC.

Statutory Authority for Adoption: Standards of grades and packs, chapter 15.17 RCW.

Pursuant to notice filed as WSR 95-09-038 on April 14, 1995.

Effective Date of Rule: Thirty-one days after filing.
 June 1, 1995
 Jim Jesernig
 Director

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-010 Washington No. 1 grade and tolerances defined. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. (~~Unless otherwise specified,~~)

(a) The minimum diameter of each cherry shall be not less than ((~~three-fourths~~)) 54/64 inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) When containers of cherries are marked with a row count/row size designation, the row count/row size marked shall be one of those shown in column 1 of the following table and shall be of the corresponding minimum diameter size shown in column 2:

<u>Column 1</u>	<u>Column 2</u>
<u>Row count/Row size</u>	<u>Diameter in inches</u>
<u>9</u>	<u>75/64</u>
<u>9 1/2</u>	<u>71/64</u>

PERMANENT

allowed for defects causing serious damage, including in this latter amount not more than one percent for cherries which are affected by decay. The contents of individual samples or containers in any lot shall not be limited to the percentage of grade defects as defined in WAC 16-414-020(1).

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination. Northwest No. 1. Twenty-four percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Ten percent, by count, for cherries which fail to meet the requirement for this grade because of permanent defects; or

(ii) Seven percent, by count, for cherries which are seriously damaged, including therein not more than five percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/65 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in WAC 16-414-010 (2)(b).

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-020 Application of tolerances. (1) Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) When containers are marked with row count/row size or the lot is specified by row count/row size, the individual samples or containers shall not be limited as to the percentage of cherries which are smaller than the diameter corresponding to the particular row count/row size, except that not more than twenty percent, by count, of the cherries in any sample or container shall measure less than 54/64 inches in diameter.

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-030 Definitions. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

(6) "Face packed" means that the cherries in the top layer in any container are placed so that the stem ends are pointing downward toward the bottom of the container.

NEW SECTION

WAC 16-414-085 Container requirements. All sweet cherries except Rainier, Royal Anne, and similar varieties commonly known as "light sweet cherries," shall be placed in containers which meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container shall be twelve pounds or less, or twenty pounds or more. The net weight of face-packed cherries in any container shall be fifteen pounds, or twelve pounds or less: *Provided*, That containers with a net weight of twelve pounds or less may be packed together with like containers in a master shipping container.

(2) The director may, upon the recommendation by the Washington state horticultural association's cherry committee, allow the use of containers not specified in subsection (1) of this section, as experimental containers for the purpose of test or trial marketing: *Provided*, That cherries placed in such containers shall meet the quality requirements of the Washington No. 1, U.S. No. 1, or Northwest No. 1 grade, and that at least ninety percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inches in diameter, by requesting a waiver.

AMENDATORY SECTION (Amending Order 1550, filed 3/31/78)

WAC 16-414-090 Marking containers. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and ~~((may))~~ shall be marked with the true variety name ~~((of))~~ or "sweet cherries." The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

NEW SECTION

WAC 16-414-095 Adoption of United States standards as state standards. In addition to the standards for cherries prescribed in WAC 16-414-010 through 16-414-090, there are hereby adopted, as additional standards of the state of Washington for cherries, the United States standards for grades of sweet cherries, effective May 7, 1971, as they apply to U.S. No. 1, provided, the minimum size of cherries

and tolerances for undersize shall meet the requirements of the Washington No. 1 grade.

AMENDATORY SECTION (Amending WSR 92-18-103, filed 9/2/92, effective 10/3/92)

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the ~~((commodity inspection))~~ plant services division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: *Provided*, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears - in closed or open containers for fresh market: *Provided*, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: *Provided*, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: *Provided further*, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: *Provided*, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: *Provided further*, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production;

(d) When daily quantities do not exceed one hundred pounds net weight of dark varieties of sweet cherries which are sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples ~~((and/or))~~, pears, cherries, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with ~~((the))~~ an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification;

Cherries of the dark sweet varieties shall be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Cherries.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

**WSR 95-13-054
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed June 16, 1995, 9:35 a.m., effective August 1, 1995]

Date of Adoption: June 8, 1995.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 95-07-120 on March 22, 1995.

Changes Other than Editing from Proposed to Adopted Version: The proponents sought to increase the tariff by 5% in all categories of pilotage service charges. The adopted version represents a decrease of 5% from the proposed version, resulting in no change to the tariff and is supported by the proponent, the Grays Harbor Pilots Association.

Effective Date of Rule: August 1, 1995.

June 15, 1995

Larry L. Vognild
Chair

AMENDATORY SECTION (Amending WSR 94-05-006, filed 2/3/94, effective 3/6/94)

WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$55.95 per meter (or \$17.02 per foot) and the tonnage charge shall be \$0.1784 per net registered ton. The minimum net registered tonnage charge is \$624.27. The charge for an extra vessel (in case of tow) is \$356.74.

Boarding fee:

Per each boarding/deboarding from a boat \$269.15

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$447.50
Delays per hour \$106.71

Cancellation charge (pilot only) \$178.36
Cancellation charge (pilot boat only) . . . \$535.09

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance \$82.82

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$624.28 for each day or fraction thereof, and the travel expense incurred \$624.28

Bridge transit:

Charge for each bridge transited \$195.90

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

Adopted ((~~1-27-94~~)) 6-8-95
Filed ((~~2-3-94~~)) 6-16-95
Effective 0001 Hours ((~~3-06-94~~)) 8-1-95 through 2400 Hours ((~~4-30-95~~)) 7-31-96

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

**WSR 95-13-056
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-75—Filed June 16, 1995, 4:42 p.m.]

Date of Adoption: June 1, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-22-030, 220-47-262, 220-47-307, 220-47-311, 220-47-401, 220-47-411, and 220-47-412.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 95-09-081 on April 19, 1995.

Changes Other than Editing from Proposed to Adopted Version: Puget Sound closures do not apply to reef nets; Area 12A deleted from species seasons; Area 8 August fishery for reef net and gill net changed to continuous 5 AM 8/28 to 9 PM 8/30; pink season mesh has 60 mesh maximum depth.

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

June 16, 1995
Judith Freeman
Deputy
for Robert Turner
Director

PERMANENT

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-22-030 Puget Sound Salmon Management and Catch Reporting Areas. (1) **Area 4B** shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) **Area 5** shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) **Area 6** shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) **Area 6A** shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) **Area 6B** shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) **Area 6C** shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) **Area 6D** shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) **Area 7** shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) **Area 7A** shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude,

122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), terminating on the west at the international boundary and on the east at the landfall on Sandy Point.

(10) **Area 7B** shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point, easterly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to ~~((the range light near))~~ Whiskey Rock on the north shore of Samish Bay and southwesterly of the mouth of Whatcom Creek, defined as a line projected approximately 14 degrees true from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

(11) **Area 7C** shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to ~~((the range light near))~~ Whiskey Rock on the north shore of Samish Bay.

(12) **Area 7D** shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point and south of a line projected true east from Sandy Point Light No. 2 to the landfall on Sandy Point.

(13) **Area 7E** shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) **Area 8** shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) **Area 8A** shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) **Area 8D** shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected

233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) **Area 9** shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) **Area 9A** shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation.

(19) **Area 10** shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the Azteca Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) **Area 10A** shall include those waters of Puget Sound easterly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head.

(21) **Area 10C** shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) **Area 10D** shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) **Area 10E** shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) **Area 10F** shall include those waters of Puget Sound easterly of a line projected 233° true from the Azteca Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) **Area 10G** shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) **Area 11** shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) **Area 11A** shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay.

(28) **Area 12** shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) **Area 12A** shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) **Area 12B** shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) **Area 12C** shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) **Area 12D** shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) **Area 13** shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) **Area 13A** shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) **Area 13C** shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) **Area 13D** shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) **Area 13E** shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) **Area 13F** shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) **Area 13G** shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) **Area 13H** shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) **Area 13I** shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) **Area 13J** shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(43) **Area 13K** shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

WAC 220-47-262 Puget Sound—Salmon preserve—San Juan Island. "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Decatur Island Light across Lopez Pass to Lopez Island, a line projected from Fautleroy Point on Decatur Island through Lawson Rock to Blakely Island; a line projected from Deer Point on Orcas Island across Spindle Rock to Blakely Island; a line projected from ~~((the most southwesterly point of Orcas Island, located in Section 13, Township 36 North, Range 3 West, W.M., to Neek Point on Shaw Island;))~~ Limestone Point on San Juan Island to the northernmost point of Jones Island then 90 degrees true to Orcas Island; a line projected from Reef Point on San Juan Island to the southernmost point of Shaw Island; and a line projected from Flat Point on Lopez Island to the most westerly point on Canoe Island, thence true north to the shoreline of Shaw Island, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-304 Puget Sound—All citizen salmon species seasons. The following are Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
7,7A:	<u>FRASER SOCKEYE AND PINK</u>	6/25	9/30
	CHUM	((10/9) - 11/26))	
		10/8	11/18
7B:	CHINOOK	((8/7) - 9/10))	
		8/6	9/9
	COHO	((9/11) - 10/29))	
		9/10	10/28
	CHUM	((10/30) - 12/17))	
	10/29	12/16	
7C:	CHINOOK	((8/7) - 10/15))	
		8/6	10/14

8:	<u>PINK</u>	8/20	9/16
	CHUM	((10/23) - 11/26))	
		10/22	11/25
8A:	CHUM	((10/23) - 12/3))	
		10/22	12/2
8D:	COHO	((9/25) - 11/12))	
		9/24	11/11
	CHUM	((11/13) - 12/3))	
		11/12	12/16
9A:	COHO	((9/18) - 11/5))	
		9/17	11/4
10,11:	CHUM	((10/16) - 11/19))	
		10/15	11/20
12:	CHUM	((10/16) - 11/19))	
		10/15	11/20
12B:	CHUM	((10/23) - 11/19))	
		10/22	11/20
12C:	CHUM	((11/06) - 11/26))	
		10/29	11/27

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 75.12.140:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Edith Point on Fidalgo Island to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the

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southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected from Fisherman's Point on the Bolton Peninsula to the boat haven at Quilcene and those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - ~~((Additional chinook seasonal closure: During 1994))~~ Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 1,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspoint marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12, 12B, 12C, and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Areas 12B, 12C, and 12D south of a line projected from Tekiu Point to Triton Head.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-311 Purse seine—Open periods.
During 1994, it is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE	TIME	DATE
7, 7A:	<u>7AM</u>	-	<u>6PM</u>	<u>10/23, 10/24</u>
	<u>6AM</u>	-	<u>5PM</u>	<u>10/31, 11/01, 11/02, 11/06, 11/07, 11/08, 11/09, 11/10</u>
7B:	6AM	((9/12))	4PM	((11/12))
		<u>9/11</u>		<u>10/28</u>
	<u>6AM</u>	<u>10/30</u>	<u>4PM</u>	<u>11/03</u>
	<u>6AM</u>	<u>11/05</u>	<u>4PM</u>	<u>11/18</u>
	<u>6AM</u>	<u>11/20</u>	<u>4PM</u>	<u>11/22</u>
	<u>6AM</u>	<u>11/27</u>	<u>4PM</u>	<u>11/29</u>
8:	<u>5AM</u>	-	<u>9PM</u>	<u>8/28 - 8/30</u>
	<u>6AM</u>	-	<u>5PM</u>	((11/01, 11/07, 11/08)) <u>11/06</u>
	7AM	-	5PM	<u>11/14, 11/15,</u> ((11/16)) <u>11/20,</u> <u>11/21, 11/22</u>
8A, 8D:	<u>7AM</u>	-	<u>6PM</u>	<u>10/23, 10/24</u>
	<u>6AM</u>	-	<u>5PM</u>	<u>10/31, 11/1, 11/02, 11/06, 11/07, 11/08</u>
	<u>7AM</u>	-	<u>5PM</u>	<u>11/14, 11/15,</u> <u>11/16, 11/20,</u> <u>11/21, 11/22</u>
10, 11:	7AM	-	6PM	((10/24)) <u>10/23</u>
	6AM	-	5PM	((11/17)) <u>10/31,</u> <u>11/06, 11/07</u>
	<u>7AM</u>	-	<u>5PM</u>	<u>11/14</u>
12, 12B:	6AM	-	5PM	((11/17)) <u>10/31,</u> <u>11/06, 11/07,</u> ((11/08)) <u>11/14,</u> <u>11/15, 11/16</u>

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-401 Reef net open periods. During 1994, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Area, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM	Daily ((10/09 - 10/22)) 10/01 - 10/21

It is unlawful to retain coho salmon taken with reef net gear. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-411 Gill net—Open periods. During 1994, it is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME	DATE(S)
7, 7A:	<u>5PM - 8AM</u> <u>4PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u> <u>NIGHTLY 10/30, 10/31, 11/1, 11/6, 11/7, 11/8, 11/9, 11/10</u>
7B:	7PM - ((7AM)) <u>8AM</u>	<u>NIGHTLY 8/7, 8/8, ((8/9, 8/10-)) 8/14, 8/15, 8/16, 8/21, 8/22, ((8/23)) 8/28</u>
	6AM ((9/14)) through 9/10	4PM ((11/12)) 10/28
	<u>6AM 10/30 through 4PM 11/3</u>	
	<u>6AM 11/5 through 4PM 11/18</u>	
	<u>6AM 11/20 through 4PM 11/22</u>	
	<u>6AM 11/27 through 4PM 11/29</u>	
8:	<u>5AM - 9PM</u> <u>4PM - 8AM</u>	<u>8/28 - 8/30</u> <u>NIGHTLY ((10/31, 11/7, 11/8-)) 11/6, 11/13, 11/14, ((11/15)) 11/20, 11/21, 11/22</u>
8A, 8D:	<u>5PM - 8AM</u> <u>4PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u> <u>NIGHTLY 10/30, 10/31, 11/1, 11/6, 11/7, 11/8, ((11/9, 11/10-)) 11/13, 11/14, 11/15, 11/15, ((11/16, 11/17-)) 11/20, 11/21, 11/22</u>
9A:	6AM ((9/19)) through 9/18	4PM ((9/23)) 9/22
	6AM ((9/26)) through 9/25	4PM ((9/30)) 9/29
	6AM ((10/3)) through 10/2	4PM ((10/7)) 10/6
	6AM ((10/10)) through 10/9	4PM ((10/14)) 10/13
	6AM ((10/17)) through 10/16	4PM ((10/21)) 10/20

	6AM ((10/24)) through 10/23	4PM ((10/28)) 10/27
	6AM ((10/31)) through 10/30	4PM ((11/4)) 11/3
10, 11:	5PM ((10/24)) through 10/23	8AM ((10/25)) 10/24
	4PM - 8AM	NIGHTLY ((10/31-)) 10/30, 11/6, 11/7, ((11/14)) 11/13
12, 12B:	4PM - 8AM	NIGHTLY ((10/31-)) 10/30, 11/6, 11/7, ((11/8-)) 11/13, 11/14, 11/15((11/16)))

All other saltwater and freshwater areas - closed. Nightly openings refer to the start date.

AMENDATORY SECTION (Amending Order 94-62, filed 7/6/94, effective 8/6/94)

WAC 220-47-412 Drift gill net and skiff gill net—((Minimum)) Mesh sizes. It is unlawful to take, fish for or possess salmon taken with net gear using mesh ~~((less))~~ other than the size hereinafter designated for each species season:

CHINOOK SEASON	7" MINIMUM MESH
COHO SEASON	5" MINIMUM MESH
PINK SEASON	5" MINIMUM MESH, 5.5" MAXIMUM MESH, 60 MESHES MAXIMUM DEPTH
CHUM SEASON	((6" MINIMUM MESH 6.25" MINIMUM MESH for areas 8, 12, 12B and 12C, only, through 12/31/94. Effective 1/1/95,)) 6.25" MINIMUM MESH
FRASER SOCKEYE AND PINK SEASON	5" MINIMUM MESH, 6" MAXIMUM MESH

WSR 95-13-058
PERMANENT RULES
DEPARTMENT OF LICENSING.
(Filed June 19, 1995, 10:00 a.m.)

Date of Adoption: June 19, 1995.
Purpose: Amending rules to reflect additional owner identification criteria.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-030, 308-93-070, 308-94-030, and 308-96A-035.

Statutory Authority for Adoption: RCW 46.01.110 and 88.02.100.

Other Authority: RCW 46.10.040, 46.12.030, 46.16.040, 88.02.050, and 88.02.070.

Pursuant to notice filed as WSR 95-10-054 on May 2, 1995.

Effective Date of Rule: Thirty-one days after filing.
June 16, 1995
Kathy Baros Friedt
Director

PERMANENT

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-030 Form required for name and address. The application for certificate of ~~((title must))~~ ownership shall indicate the ((legal)) names and addresses of the registered and legal owners of the vehicle, including lessees and lessors, and upon request each owner's Social Security number, date of birth, and department assigned customer account number. The names indicated shall be the names of the owners in the form in which the person wishes his/her interests to be reflected. The ((registered)) owner's names reflected on the certificate of registration ((must be)) are identical with the name shown on the certificate of ((title)) ownership.

AMENDATORY SECTION (Amending WSR 93-14-082, filed 6/30/93, effective 7/31/93)

WAC 308-93-070 Application for title/registration.

(1) An application for certificate of ~~((title))~~ ownership or registration of a vessel shall be completed and shall include:

(a) The names, addresses, Social Security number, date of birth, and the department assigned ((identification)) customer account numbers upon request, for all owners of the vessel being registered including lessees and lessors, and legal owners if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, other, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, other, etc.).

(f) Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) United States Coast Guard issued number, if any.

(j) Purchase price and purchase year of vessel or declared value and year of declaration. Purchase price includes the price purchaser paid for the vessel, vessel motor, or engine, and all other equipment and accessories, excluding boat trailers, purchased in a single transaction.

(k) Hull identification number.

(l) Vessel registration numbers previously issued by any issuing authority, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(o) United State Coast Guard document number, if applicable.

(2) Name and address of all persons perfecting a security interest (legal owner), except for United States Coast Guard documented vessels, or a certified statement by the registered owner that the vessel is free of all liens.

(3) In the event a vessel is homemade, the registered owner must complete and sign a declaration of value form.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all registered owner applicants. Signature must be notarized or certified by an authorized license agent.

(5) The application for certificate of ~~((title))~~ ownership or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Declaration of value form.

(c) All proper fees and excise tax.

(d) Previous ownership document properly released.

(e) Excise exemption affidavit.

(f) Proof of sales tax paid.

(g) Manufacturer's statement of origin or original factory invoice.

(h) Copy of carpenter certificate.

(i) Release of interest form.

(j) Other verification of ownership.

(k) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(6) An application made for a vessel to be leased or rented without propulsion machinery will indicate "other" for type of power in subsection (1)(c) of this section and for primary method of propulsion in subsection (1)(e) of this section.

AMENDATORY SECTION (Amending WSR 92-15-021, filed 7/6/92, effective 8/6/92)

WAC 308-94-030 Application for registration. An application for registration of a snowmobile shall include:

(1) Name and address, Social Security number, date of birth, and the department assigned customer account number upon request, of each registered and legal owner(s);

(2) Make and model year of snowmobile;

(3) Method of propulsion, including but not limited to skis, tracks, wheels or combination thereof;

(4) Purchase price and year of purchase or declared value and year of declaration;

(5) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle;

(6) The previously issued registration certificate or a duplicate thereof, or a bill of sale if the application is for the transfer of a registered snowmobile. If the snowmobile has not been previously registered in this state, a bill of sale or a purchase agreement shall be provided;

(7) Vehicle identification number; and

(8) Appropriate fees.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-035 Annual license renewal~~((—No prebill/correction))~~. (1) When a registered owner wishes to make a change to the information pertaining to the vehicle or their owner address, or if a prebill was not received, application shall be made by mailing or appearing in person at any of the vehicle licensing offices to effect such change or to renew the registration.

(2) The applicant must satisfy the licensing agent as to his/her identity by at least one of the following:

(a) A valid Washington state driver's license;

(b) A valid Washington state identicard;

(c) A photo identification card; or

~~((Or))~~ (d) In the event the above are not available, two of the following:

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(i) A nationally or regionally known credit card containing the signature of the applicant;

(ii) An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature of the applicant;

(iii) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or

(iv) Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

(3) Nothing in this regulation shall be construed as prohibiting a member of the immediate family of the registered owner to effect such renewal, if he/she is able to prove his/her identity and relationship to the registered owner.

(4) When making application for annual license renewal, the applicant shall provide additional information as may be requested by the department. Additional information may include but is not limited to all legal and registered owner's Social Security number, date of birth, and the department assigned customer account number.

WSR 95-13-065
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-76—Filed June 19, 1995, 3:34 p.m.]

Date of Adoption: June 19, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-40-021, 220-40-027, 220-36-021, and 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 95-10-105 on May 3, 1995; and WSR 95-13-062 on June 19, 1995.

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

June 19, 1995

Judith Freeman

Deputy

for Robert Turner

Director

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15 of ((1994)) 1995, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 94-61, filed 7/21/94, effective 8/21/94)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial

purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. August ((22)) 28 to 6:00 p.m. August ((23, 6:00 p.m. August 29 to 6:00 p.m. August 31, 6:00 p.m. September 6 to 6:00 p.m. September 8,)) 29 and 6:00 p.m. September ((13)) 11 to 6:00 p.m. September ((15, 1994)) 14, 1995, in SMCRA 2J, 2K, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35;

(b) 6:00 p.m. September 19 to 6:00 p.m. October ((5, 1994)) 14, 1995, in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12 and that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2);

(c) 6:00 p.m. September ((19)) 21 to 6:00 p.m. September ((20)) 22, 6:00 p.m. September ((22)) 25 to 6:00 p.m. September ((23)) 26, 6:00 p.m. September ((26)) 28 to 6:00 p.m. September ((27)) 29, 6:00 p.m. ((September 29)) October 2 to 6:00 p.m. ((September 30)) October 3, 6:00 p.m. October 5 to 6:00 p.m. October 6, 6:00 p.m. October 9 to 6:00 p.m. October 10, and 6:00 p.m. October ((3)) 12 to 6:00 p.m. October ((4, 1994)) 13, 1995, in SMCRA 2K, and that part of SMCRA 2J south of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2).

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear shall be used as provided in WAC 220-40-015 except that before 6:00 p.m. September 20, the maximum mesh size is 8-1/2 inches.

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. From July 5 through August 15 of ((1994)) 1995, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. From August 16 through December 31 of ((1994)) each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 a.m. to 6:00 p.m. September 20, 6:00 a.m. to 6:00 p.m.

September 22, 6:00 a.m. to 6:00 p.m. September 24, 6:00 a.m. to 6:00 p.m. September 26, 6:00 a.m. to 6:00 p.m. September 28, and 6:00 a.m. to 6:00 p.m. September 30, 1995, in SMCRA 2C.

(2) Gill net gear shall be used as provided for in WAC 220-36-015.

**WSR 95-13-068
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed June 20, 1995, 11:00 a.m.]

Date of Adoption: June 16, 1995.

Purpose: Establish policy, RE: Underage admissions.

Citation of Existing Rules Affected by this Order:

Amending WAC 131-12-010.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Pursuant to notice filed as WSR 95-13-005 on June 8, 1995.

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

June 20, 1995

Claire C. Krueger

Executive Assistant

Administrative Rules Coordinator

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-12-010 Minimum standards for admission to a community or technical college. (1) Any applicant for admission to a community or technical college shall be admitted when, as determined by the chief administrative officer of the district or his or her designee, such applicant:

~~((1))~~ (a) Is competent to profit from the curricular offerings of the college; and

~~((2))~~ (b) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community or technical college inconsistent with the purposes of the institution; and

~~((3))~~ (c) Is eighteen years of age or older; or

~~((4))~~ (d) Is a high school graduate; or

~~((5))~~ (e) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or other local student enrollment options program.

~~((6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended: *Provided, That*)~~

(2) However, an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community or technical college on a probationary status as determined by the chief administrative officer of the community or technical college district or his or her designee.

**WSR 95-13-069
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed June 20, 1995, 11:03 a.m.]

Date of Adoption: June 16, 1995.

Purpose: Establishes hardship withdrawals from the TIAA/CREF retirement system.

Citation of Existing Rules Affected by this Order: Added new section WAC 131-16-056.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Pursuant to notice filed as WSR 95-13-006 on June 8, 1995.

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

June 20, 1995

Claire C. Krueger

Executive Assistant

Administrative Rules Coordinator

NEW SECTION

WAC 131-16-056 Hardship withdrawals. (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, a participant may withdraw all or part of the employee contributions (and any pre-1988 earnings on employee contributions) from the participant's Washington community and technical college system TIAA/CREF retirement account while actively employed or after termination of employment. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1(d)(2)) requires that the college president or designee shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

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(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer.

Note: Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from the employer-sponsored TIAA/CREF plan may not be replaced at a later date.

WSR 95-13-070
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed June 20, 1995, 11:06 a.m.]

Date of Adoption: June 16, 1995.

Purpose: ESB 6285 of the 1992 legislature made changes to higher education tuition and fee waivers.

Citation of Existing Rules Affected by this Order: Repealing WAC 131-28-028; and amending WAC 131-28-010 through 131-28-090.

Statutory Authority for Adoption: Chapters 28B.15 and 28B.50 RCW.

Pursuant to notice filed as WSR 95-13-007 on June 8, 1995.

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

June 20, 1995

Claire C. Krueger

Executive Assistant

Administrative Rules Coordinator

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-010 Tuition and fee charges for summer quarter. Tuition, operating, services and activities, and special fees charged to students enrolled as state funded students for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year. Fees charged to students enrolled as self-supporting shall comply with RCW 28B.15.515(1).

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the (~~Washington community college system~~) state board that all tuition and services and activities fees (~~or special fees charged to students~~) shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-021 Definitions. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than student funded courses.

(6) "Short course" shall be defined as any academic, occupational, or student funded course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any (~~academic, occupational, or student funded~~) course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-025 Method of assessing tuition and fee charges. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students ~~((consistent with chapter 28B.15 RCW. The additional fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official)).~~

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) ~~((The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.~~

~~(3))~~ For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such ~~((community service))~~ courses.

~~((4))~~ (3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

NEW SECTION

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall not waive the building fee or services and activities fee at a percentage rate greater than the percentage rate of waiver for operating fees.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses ~~((designated pursuant to subsection (1) of this section))~~ shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate~~(s)~~ or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) ~~((For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.~~

(4) ~~For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:~~

COURSE	TUITION
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	Thirty percent; provided the director shall convert the credit hour change to a rounded amount per clock hour and districts shall charge accordingly
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	One hundred percent
(c) Parent education involving cooperative preschool program	Fifteen percent
(d) Farm management and small business management	Forty percent
(e) Adult basic education, English as a second language	No charge
(f) Emergency medical technician and paramedic continuing education	Thirty percent
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	Thirty percent

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~~(h) Courses providing advanced training and skill maintenance for journey persons in cooperation with joint apprenticeship and training committees~~ ~~One hundred percent~~

~~(i) GED preparation~~ ~~Fifteen percent~~

~~(5) Students taking from eleven to eighteen credits shall not be charged for those credits.~~ Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;
(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;
(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult Basic Education, English as a Second Language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: Fifty percent reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour: *Provided*, That until June 1, 1997, the waiver shall be sixty percent.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course ~~((tuition))~~ fees received pursuant to this section shall be accounted for and deposited in ~~((the))~~ local community college operating fee accounts established in RCW ~~((28B.15. (section 36, chapter 231, Laws of 1992))~~ 28B.15.031.

~~(8) ((The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.~~

~~(9) Tuition))~~ Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-030 Waiver of tuition and fees for needy or disadvantaged students. Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of tuition and services and activities fees for needy students: *Provided*, That the students shall qualify for such waiver ~~((as determined by the))~~ under criteria set forth in WAC 131-28-040 through 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of tuition and services and activities fees ~~((or any portions thereof as authorized by))~~ under RCW 28B.15.740 ~~((normally charged to students enrolled))~~ (1) shall be based upon the determination that the student is a "needy student" ~~((by application of))~~ under a method of need analysis approved by the United States Department of Education for determining awards ~~((under))~~ for federal student financial aid programs or ~~((one))~~ a method adopted by the state board ~~((for community college education))~~ specifically for the purposes of this section, except as provided in WAC 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) Tuition and fee waivers for needy students in any fiscal year ~~((as authorized by RCW 28B.15.740 may))~~ shall not exceed three percent of any community college district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of ~~((community colleges))~~ the state board, or ~~((his))~~ designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-080 Tuition and fee waivers for senior citizens. (1) ~~((Pursuant to the authority granted by chapter 157, Laws of 1975 1st ex. sess.))~~ Under RCW 28B.15.540, community college districts ~~((are authorized to and))~~ may waive, in whole or in part, tuition and services and activities

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fees for any individual who ~~((has or will have attained))~~ attains sixty years of age by the first day of instruction of the quarter ~~((during which enrollment is desired))~~ enrolled and who is a resident of Washington, regardless of the length of such residency.

(2) College districts that elect to grant waivers as authorized by this section may:

(a) Waive, in whole or in part, tuition and services and activities fees for students enrolled on a credit or audit basis.

(b) Charge ~~((, in lieu of tuition and services and activities fees,))~~ a special fee of not more than \$5.00 per quarter ~~((per individual in total for those courses for which waivers are granted))~~ for students enrolled on an audit basis.

(c) Charge, in addition, any other special fees normally assessed to students who enroll in any course toward which the waiver authority contained in this section is applied.

(3) When granting waivers as authorized by this section, community college districts ~~((shall be))~~ are subject to the following regulations:

(a) Senior citizens who desire to enroll under the provisions of this section shall not be required to pass any financial need or means test as the basis for receiving such waivers.

(b) Such waivers shall not be applied to more than two courses per individual per quarter; however, qualified senior citizens may enroll in additional courses upon payment of the required tuition and fees normally charged to other students so enrolled.

(c) Such waivers shall be granted only on a "space available" basis after opportunity has been given for other students to register for courses offered by the college district.

(d) No new or additional courses or course section shall be created for the purpose of accommodating enrollments of students ~~((enrolled on the basis of))~~ granted waivers under this section.

(e) Waivers under this section shall not be granted to individuals who plan to use credits thus earned to improve their status for credentialing or salary schedule purposes; provided that it shall be the responsibility of the student to inform the college of the intended use of credits earned through enrollment under this fee waiver authorization.

(f) Enrollment information and statistical data related to enrollments made under this section must be maintained separately and must be discretely identified and distinguished from enrollments reported to the state board for all fiscal purposes.

(g) Computations of enrollment levels, student-faculty ratios, or other similar enrollment-related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(h) Individuals enrolled under this section must be afforded equal opportunity to utilize advisory and counseling services offered by the college district.

(i) All existing course prerequisites must apply to students enrolled under this section.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-085 Tuition and fee waivers for full-time community college employees. ~~((Pursuant to the authority granted by))~~ Under RCW 28B.15.535, community

college districts ~~((are authorized to and))~~ may waive tuition and services and activities fees for full-time employees at their respective ~~((institutions of higher education enrolled in courses at said institutions))~~ college under the following conditions:

(1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students ~~((enrolled on the basis of))~~ granted waivers under this section,

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled ~~((pursuant to the provisions of))~~ under this section be considered in any enrollment statistics which would affect budgetary determinations,

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(5) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(6) Community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(7) Districts may enroll full-time intercollegiate center for nursing education, cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus provided that (a) the employee's work station is situated within the district where ~~((he enrolls))~~ enrolled and (b) such a waiver of tuition and fees complies with conditions listed in subsections (1) through (6) of this section,

(8) Districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(9) Prior to implementing any program for tuition and fee waivers for full-time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(a) Whether or not employees may take tuition free courses on released time and under what circumstances;

(b) Whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(c) Whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(d) The definition of a full-time employee, professional and classified, for purposes of this act;

(10) The individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

(11) In addition to waivers provided under subsections (1) through (9) of this section, community college districts may also waive all or a portion of tuition and services and activities fees for full-time classified employees of state

agencies and higher education institutions as provided in RCW 28B.15.558.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students. (1) ~~((The purpose of this section is to carry out the intent of the legislature to provide tuition free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space available basis.~~

~~(2) Pursuant to authority granted by))~~ Under RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15-012(2);

(b) Will have attained age twenty-one prior to the first day of instruction ~~((on the basis of such waiver));~~

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than ~~((pursuant to))~~ under this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

~~((3))~~ (2) Enrollments made pursuant to this section shall be on a space available basis.

~~((4))~~ (3) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

~~((5))~~ (4) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

~~((6))~~ (5) Persons enrolled ~~((pursuant to))~~ under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-028 Tuition charges for certain waiver categories.

WSR 95-13-072

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5068—Filed June 20, 1995, 12:20 p.m.]

Date of Adoption: June 19, 1995.

Purpose: To amend chapter 16-158 WAC and bring it up-to-date with currently accepted organic food processing standards.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-158-070; and amending chapter 16-158 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Pursuant to notice filed as WSR 95-10-098 on May 3, 1995.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendments to WAC 16-158-060 are not being adopted at this time due to comments received at the hearings.

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

June 19, 1995

Jim Jesernig

Director

Chapter 16-158 WAC

((PROCESSED ORGANIC FOODS—CERTIFICATION AND LABELING)) STANDARDS FOR THE CERTIFICATION OF PROCESSORS OF ORGANIC FOOD

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-020 Definitions. As used in this chapter:

~~((1))~~ (1) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive.

~~((2))~~ (2) "Processed organic food certification" means that a food product complies with the processed organic food standards and has been inspected and tested as set forth in this chapter.

~~((3))~~ (3) "Food processing" is as defined under RCW 69.07.010 and means the handling or processing of any food in any manner in preparation for sale for human consumption: Provided, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared for sale in their natural state.

~~((4))~~ (4) "Director" means the director of the department of agriculture or his or her designee.

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~~(5) "Food processing plant" is as defined under RCW 69.07.010 and includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Provided, That retail outlets, as set forth herein, processing foods in any manner for resale shall be considered a food processing plant as to such processing-)~~ (1) "Approved" means any material or practice which meets the required criteria or standards for use in the processing or handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products.

(6) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(7) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(8) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

(9) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under WAC 16-158-060.

(10) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing organic food.

(11) "Prohibited" means any material or practice which is disallowed in the processing or handling of organic agricultural products.

(12) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

NEW SECTION

WAC 16-158-025 Organic certification of processors.

All processors must be certified by the department or through a recognized organic certification agency, except for processors who use less than fifty percent organic ingredients in their product(s). Producers who process and sell only their own product are not required to obtain certification under this chapter. Processors must complete an application for certification and submit it with the required fee to the department of agriculture on an annual basis.

Upon approval of the application by the director, the applicant shall be issued an organic food processor certification.

NEW SECTION

WAC 16-158-027 Application for certification—

Expiration date. Organic food processors must apply to the department for organic food certification by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food processor certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the applicant pays a late fee of fifty dollars.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-030 Organic processing standards. (1)

Ingredients for processed organic foods:

~~((All processed foods and raw materials labeled as organic must comply with chapter 15.86 RCW and chapter 16-154 WAC. A copy of grower affidavits for raw materials must be placed on file at the time of purchase as part of the organic food processor's audit.))~~ All organic ingredients used in processed organic food must be produced in compliance with organic food production standards as required by rules adopted under chapter 15.86 RCW. Organic food producer or processor certificates for all organic ingredients used in processing must be kept on file by the processor and available to the department upon request. All organic producers or processors that supply ingredients must be certified by a recognized organic certifying agent.

All nonorganic ingredients which are used in product formulation and that are not specifically approved under WAC 16-158-060 must be approved by the director and their sources must be listed as part of the audit process.

~~((The source(s) of any "approved ingredients" which are not organically grown and are used as less than two percent by weight of the total product because these ingredients or additives are vital to product formulation and the organic ingredient is unavailable, extremely difficult to obtain, or impractical to substitute, must be listed as part of the organic food processor's audit.))~~

(2) Identification and storage:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags, or other containers that contain organic food products. All ((ingredients in an organic food processing facility)) organic food

products must be stored so that there is no cross contamination from or confusion with ~~((a))~~ nonorganic food ~~((substance))~~ products.

Insect and rodent control programs must be in place for organic product storage areas. Any ~~((insecticides and rodenticides))~~ materials used in the organic product storage areas must be approved for ~~((organic production))~~ use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire ~~((manufacturing plants))~~ facilities are periodically fumigated, the processor must demonstrate that any fumigants used will not ~~((form toxic residues on))~~ contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that ~~((leaves no contamination of organically grown or approved nonorganic products by such synthetically formulated compounds))~~ does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) ~~((Food processing plant:))~~ Processing of organic food products:

In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged. ~~((It should detail each machine, its ability to be thoroughly cleaned, the introduction of all ingredients, including water, into the product, packaging procedures, and cleanup procedures.~~

~~The organic food processor should demonstrate that once packaged, the product has not been contaminated by any step in the process. Organic food processors must be aware of possible contamination by various forms of packaging.))~~

All packaging and products must be free of fungicides, preservatives, fumigants, and ~~((contaminants))~~ any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.

All water used in processing ~~((must be noted in the organic food processor's audit. Source(s) and the additives chlorine and fluoride are to be monitored and comply with all applicable state regulations.~~

~~In any event cleaning must be accomplished with adequate sanitizers including unstable chlorine compounds to adequately clean and sanitize equipment, and as needed to maintain satisfactory sanitary practices))~~ must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-040 Labeling. All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101.

(2) No organic food product may be labeled "organic when available."

(3) For foods which are composed of one hundred percent organic ingredients: The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients, excluding water and salt, are organically grown.

(4) For foods which are composed of more than ninety-five percent organic ingredients: The terms "organic" or "organically grown" may be used in the product identity on the principal display panel when less than five percent by weight of the total product contains minor ingredients or additives which are approved under WAC 16-158-060 or by the director.

(5) For foods which are composed of between fifty percent and ninety-five percent organic ingredients: In multi-ingredient food products which contain some nonorganic ingredients, excluding water and salt, the use of the terms "organic" or "organically grown" can only be used to modify the organic ingredient(s) and must restrict the type size of the words organic or organically grown etc., to not larger than three-quarters type size of the product identity.

(6) For foods which are composed of less than fifty percent organic ingredients: If organically grown ingredients comprise less than fifty percent by weight, excluding water and salt, of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic can only be used on the ingredients list.

~~((5) The terms "organic" or "organically grown" may be used in the product identity when less than two percent by weight of the total product contains minor ingredients or additives which are:~~

~~From a list approved by the Washington state department of agriculture.))~~

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-050 Recordkeeping requirements. ~~((All processed organic food must be completely followed by an audit control system.~~

Organic food processors must keep records of products bought and sold that will enable the department to trace processed food products from the farm to the market. Such records must include but are not limited to, invoices, bill of ladings, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bill of ladings of processed products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.)) (1) All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food

products from the time of receiving through the sale of the final product. Records must be maintained that track product from receiving through distribution or sale. Such records must include when applicable, invoices, bills of lading, and grower certificates for incoming raw product; date and quantity of product processed; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be maintained for a minimum of five years from date of processing.

(2) All processors shall have available to the department the following documents and information for the organic ingredients used in processing:

(a) For raw ingredients a copy of the producer's organic food producer certificate.

(b) For ingredients from intermediate processors or copackers a copy of the processor's or copacker's organic food processor certificate. All organic food producer and processor certificates shall be from recognized organic certification agencies.

(3) Except for applications for organic certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-080 Use of processed organic food certification (~~label~~) logo. Organic food processors certified under the Washington department of agriculture organic food program will be able to use the words "processed (~~under~~) in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC. Food processed and sold under this organic food processor certification program and which are composed of more than ninety-five percent organic ingredients may be identified by the use of one of the attached logos adopted in WAC 16-158-140.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-090 Inspection. The director shall make at least one visit and any additional visits deemed necessary to each (~~organic food processor under the organic food certification program~~) facility each year for the purpose of inspection for compliance with this chapter and chapter 15.86 RCW and (~~chapter 16-154 WAC~~) rules adopted pursuant to chapter 15.86 RCW.

This inspection may entail survey of required records, examination of (~~processing equipment~~) handling, processing and storage areas, and any other information deemed necessary to the requirements of this chapter.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-100 Sampling. A representative sample (~~(representative of a processed product processed by organic food processors under the organic food certification program)~~) of the product processed, packed, sold, or distributed may be tested for pesticide residues or other contaminants whenever the director deems it necessary for certification or maintenance of certification.

It shall be the processor's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director.

AMENDATORY SECTION (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

WAC 16-158-120 Decertification. Whenever the director finds that (~~an organic food~~) a processor who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Has filed an application for certification which is false or misleading in any particular;

(3) Has violated any of the provisions of this chapter;

(4) Has failed to provide records as required by WAC 16-158-050(~~or~~

~~5) Has violated any provisions of chapter 69.04 or 69.07 RCW;))~~ or rules adopted under chapter 15.86 RCW.

The director may issue an order suspending or revoking that processor's certification under this program or he may issue an order directing the (~~organic food~~) processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program.

Any (~~organic food~~) processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. (~~Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.~~

~~This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.))~~

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-130 Fees (~~schedule~~). (~~Application for a license shall be on a form prescribed by the director and accompanied by a three hundred dollar annual license fee. In addition, one quarter of one percent of gross receipts of the previous years' sales of processed organic food must accompany the application.))~~ (1) The cost per application shall be one hundred fifty dollars per facility. In addition, an assessment fee based on the following fee schedule shall accompany the application. Gross value of production means the value of processed organic food produced during the previous calendar year. In the event that the current

calendar year's production exceeds the previous year's production, the department may bill the processor for the additional fee. In the event that the current calendar year's production is less than the previous year's production, the processor may request a refund for the reduced fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

<u>GROSS VALUE OF PRODUCTION</u>	<u>ASSESSMENT RATE</u>
For up to one million dollars	0.25%
For over one million:	
1st one million dollars	0.25%
Value over one million dollars	0.10%

(2) Initial inspections within the state of Washington are provided for under the above fee schedule.

Additional inspections, (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples, (in addition to one sample provided for) if required for certification or maintenance of certification by the director, or requested by the applicant, shall be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

NEW SECTION

WAC 16-158-150 Processed organic food certification logo.



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-158-070 Processed organic food certification.

**WSR 95-13-073
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**
[Order 5070—Filed June 20, 1995, 12:23 p.m.]

Date of Adoption: June 19, 1995.

Purpose: To amend chapter 16-164 WAC and bring it up-to-date with currently accepted organic food handling standards.

Citation of Existing Rules Affected by this Order: Amending chapter 16-164 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW. Pursuant to notice filed as WSR 95-10-099 on May 3, 1995.

Effective Date of Rule: Thirty-one days after filing.
June 19, 1995

Jim Jesernig
Director

**Chapter 16-164 WAC
STANDARDS FOR THE CERTIFICATION OF
(PACKERS) HANDLERS OF ORGANIC FOOD**

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the

PERMANENT

Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of ~~((packers))~~ handlers of organic food products, including packers and vendors.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the ~~((packing))~~ handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) ~~("Material" means any substance or mixture of substances that is used in the packing of organic agricultural products.~~

(5) ~~"Packing facility" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.~~

~~(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.~~

~~(7) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.~~

~~(8) "Prohibited" means any material or practice which is disallowed in the packing of organic agricultural products.~~

~~(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.~~

~~(5) "Handler" means any person who sells, distributes, or packs organic food products.~~

~~(6) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.~~

~~(7) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.~~

~~(8) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.~~

~~(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.~~

(10) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(11) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under chapter 16-158 WAC.

(12) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(13) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

(14) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-030 Organic certification of ~~((packing facilities))~~ handlers, including packers and vendors. All ~~((packers))~~ handlers who pack, distribute or sell organic food products in Washington state must be certified by ~~((WSDA))~~ the department or through a recognized organic certification agency, except for final retailers of organic food products. Producers who pack or sell only their own product or persons certified as organic processors are not required to obtain certification under this chapter. A ~~((packer))~~ handler seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director ~~((and an inspection finds the applicant in compliance with the provisions of this chapter.))~~ the applicant ~~((may))~~ shall be issued an organic ~~((packer))~~ food handler certification.

NEW SECTION

WAC 16-164-035 Application for certification—Expiration date. Organic food handlers, except for final retailers, must apply to the department for organic food certification on an annual basis. The application deadline is March 1. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food handler certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the handler pay a late fee of fifty dollars.

Except for final retailers of organic food products, it shall be unlawful for any handler to represent, label, or sell organic food products without having obtained an annual organic food handler certificate.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-040 Standards for ((packing facilities)) handlers. (1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a ((packing)) facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire ((packing)) facilities are periodically fumigated, the ((packer)) handler must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere ((regarding nitrogen, oxygen, and carbon dioxide)). Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) ((Packing)) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in ((packing)) handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

~~((Packers must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.~~

~~All packers of organic food products shall have available to the department the following documents and information:~~

~~(1) List of organic growers for whom it packed organic food products in the previous year with the following information for each grower:~~

- ~~(a) Growers name;
(b) Certified organic producer number;
(c) Copy of the grower's organic food certificate;
(d) Lot number or numbers assigned to grower;
(e) Number of bins (flats, lbs., etc.) received;
(f) Number of boxes (flats, lbs., etc.) packed as organic;
(g) Number of boxes (flats, lbs., etc.) sold as organic;~~

~~and~~

~~(h) Amount paid to grower.~~

~~(2) Information concerning total organic sales for the facility:~~

- ~~(a) Total bins (flats, lbs., etc.) received as organic;
(b) Total boxes (flats, lbs., etc.) packed as organic;
(c) Pounds of culls sold as organic; and
(d) Value of organic product sold.~~

~~(3) List of organic growers for whom it will be receiving organic food products for the current year with the following information for each grower:~~

- ~~(a) Growers name;
(b) Certified organic producer number;
(c) Copy of organic food producer certificate;
(d) Lot number assigned to grower; and
(e) Number of bins (flats, lbs., etc.) you expect to receive.~~

~~(4)) (1) Handlers must keep records of products bought and sold that will enable the department to trace food products from receiving through sale. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out.~~

~~(2) All handlers of organic food products shall have available to the department the following documents and information:~~

~~(a) For organic food products obtained directly from producers a copy of their organic food producer certificate. All organic food producer certificates shall be from recognized organic certification agencies.~~

~~(b) For organic food products obtained from another handler, a copy of that handler's organic food handler certificate, or, for handlers which are not certified, a copy of the certificate for each organic food product obtained from that handler. All organic food certificates shall be from recognized organic certification agencies.~~

~~(c) For processed organic food products a copy of the organic food processor certificate or, if the processor is not certified, a copy of a certification verification form must be on file. Certification verification forms shall include the percentage of organic ingredients contained in each product, a list of all organic ingredients, and the certification organization(s) of those ingredients. All organic food certificates shall be from recognized organic certification agencies.~~

~~(d) Recordkeeping that allows for the tracking of product from receiving through sale. Records must be kept for a minimum of two years except for final retailers which must keep records for a minimum of six months.~~

~~(e) All paperwork and labels associated with organic food products must clearly indicate that the product is an organic product.~~

(3) Except for applications for organic ((~~packer~~)) handler certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each ((~~packer~~)) handler and/or each ((~~packing~~)) facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of ((~~packers~~)) handlers with multiple facilities shall entail at least one inspection at each ((~~packing~~)) facility which handles organic food products and at least one inspection of the offices ((~~of the packer~~)) where records are kept.

This inspection may entail a survey of required records, examination of ((~~packing~~)) facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-080 Sampling. A representative sample of the product packed, sold or distributed by the ((~~packer~~)) handler may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the ((~~packer's~~)) handler's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-090 Decertification. Whenever the director finds that a ((~~packer~~)) handler who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter; or
- (4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that ((~~packer's~~)) handler's certification under this program or he may issue an order directing the ((~~packer~~)) handler to take other appropriate action to correct the violation. If appropriate action is taken, the ((~~packer~~)) handler may be returned to its previous status under the program.

Any ((~~packer~~)) handler who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be ((~~calculated~~)) based ((~~upon~~)) on the previous calendar year's sales of organic food products ((~~to the first buyer after packing or repacking~~)). First year applicants shall base gross ((~~sales~~)) value on an estimate of the value of organic food products which will be ((~~packed~~)) handled at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the ((~~packer~~)) handler for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000
9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the ((~~packer~~)) handler, shall be charged to the ((~~packer~~)) handler at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

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WSR 95-13-074
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Order 5069—Filed June 20, 1995, 12:26 p.m.]

Date of Adoption: June 19, 1995.

Purpose: To simplify organic food certification of vendors of organic food by repealing chapter 16-166 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-166 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Pursuant to notice filed as WSR 95-10-100 on May 3, 1995.

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

June 19, 1995

Jim Jesernig

Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-166-010	Purpose.
WAC 16-166-020	Definitions.
WAC 16-166-030	Organic certification of vendors.
WAC 16-166-040	Standards for vendors.
WAC 16-166-050	Recordkeeping requirements.
WAC 16-166-060	Inspections.
WAC 16-166-070	Sampling.
WAC 16-166-080	Decertification.
WAC 16-166-090	Fee schedule.

WSR 95-13-080
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed June 20, 1995, 3:41 p.m.]

Date of Adoption: June 16, 1995.

Purpose: To ensure fair treatment of persons with medical disabilities who are employed as intrastate and interstate commercial motor carriers. Excludes drivers of certain commercial vehicles from needing a medical certificate and keeping a log book.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.32.020.

Pursuant to notice filed as WSR 95-10-058 on May 3, 1995.

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

June 16, 1995

Annette M. Sandberg

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;

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(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;

(1) 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 95-13-082
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-427, Docket No. UG-950061—Filed June 20, 1995, 3:56 p.m.]

In the matter of amending WAC 480-93-005 and 480-93-010.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-08-067, filed with the code reviser on April 7, 1995. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission is authorized to promulgate these rules by RCW 80.01.040 and 80.28.210.

The commission has been certified to participate in the federal natural gas pipeline safety program under the Natural Gas Pipeline Safety Law, 49 U.S.C. §§60101ff. Certification requires that the commission gas safety regulations remain consistent with federal pipeline safety rules. Amendments to the federal rules have been made, and new provisions added, since the commission last adopted the federal rules by reference. This rule making is needed, therefore, to bring the commission's rules into consistency with federal rules. In addition to achieving compliance with federal certification requirements, the action will ease burdens on regulated entities because the state and federal requirements will be more consistent.

In addition, the rule making defines "master meter" to reflect Washington state statutes, because federal law provides a different definition of master meters. Doing so made no change in Washington law but assured that state law is understood and followed.

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-08-067, for 9:00 a.m., Wednesday, May 10, 1995, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until April 26, 1995.

The commission received written comments from B. L. Baskett, Northwest Natural Gas Company; Michael Faulkenberry, Washington Water Power; and John Kozyrski, Washington Natural Gas Company. Commission staff met and talked with representatives of the regulated gas companies regarding the rule, and responded to Mr. Baskett's comments and questions by letter. Industry representatives expressed approval of the proposal to commission staff, and none addressed the commission at the adoption meeting.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on May 10, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad and Commissioner William R. Gillis. Dennis Lloyd of the commission staff made oral comments, supporting the proposal and describing both the need for the proposed changes and the commission staff's discussions with industry representatives.

These amendments to existing rules affect no economic values and have no adverse environmental effect, in that they merely implement changes required by federal law to maintain certification and bring state requirements into consistency with federal requirements, or they clarify existing rules by providing a definition of master meter that is consistent with chapter 80.28 RCW.

In reviewing the entire file, the commission determines that it should amend WAC 480-93-005 and 480-93-010 as noticed, to read as set forth to read as set forth in Appendix A below, and included in it by this reference.

ORDER

THE COMMISSION ORDERS That WAC 480-93-005 and 480-93-010, as set forth in Appendix A below, are amended as permanent rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.360, to be effective with the expiration of thirty days after filing in the office of the code reviser, pursuant to RCW 34.05.-380(2).

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and 1-21 WAC.

THE COMMISSION Adopts the commission staff memoranda, presented when the commission considered noticing and adopting this proposal, together with the commission staff response of May 9, 1995 to inquiries and comments from Northwest Natural Gas Company, as its concise explanatory statement of the reasons for adoption, under RCW 34.05.355.

DATED at Olympia, Washington, this 19th day of June, 1995.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard Hemstad, Commissioner
William R. Gillis, Commissioner

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 95-13-091
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Filed June 21, 1995, 8:58 a.m.)

Date of Adoption: June 21, 1995.

Purpose: To interpret and administer chapter 19.146 RCW by providing and amending rules regarding the licensing and regulation of mortgage brokers, including: Application requirements, education and testing requirements, bonding requirements, trust account requirements and administration, fees, and fines and penalties.

Citation of Existing Rules Affected by this Order: Amending WAC 50-60-010 is amended to add new definitions, WAC 50-60-020 is amended to clarify statutory exemptions from licensing or various sections of the act, WAC 50-60-030 is amended to clarify and add licensing requirements to implement changes to the act, WAC 50-60-035 is amended to clarify the granting of interim licenses pending completion of processing of the application, WAC 50-60-040 is amended to incorporate changes to the act involving education and experience requirements, WAC 50-60-050 is amended to clarify the director's right to demand criminal history information from applicants, WAC 50-60-060 is amended to clarify the department's authority to charge fees and make assessments upon licensees, WAC 50-60-070 is amended to clarify the branch office application procedures, WAC 50-60-080 is amended to incorporate changes in the act, mitigate the impact of the bonding requirements on small business, and clarify the bonding requirements, WAC 50-60-100 is amended to clarify the licensing of members of associations who are required to be licensed by the act, WAC 50-60-110 is amended to clarify the requirements for a licensee who is transferring assets, merging, or changing a designated broker, or changing a principal, WAC 50-60-130 is amended to clarify the requirements for form of disclosures to borrowers as required by the act, WAC 50-60-140 is amended to clarify the general record-keeping requirements required of licensees by the act, WAC 50-60-150 is amended to clarify the licensee's duty to disclose to the director certain significant developments which may impact the licensee's status, and WAC 50-60-160 is amended to clarify the director's authority to deny or conditionally approve an application, or suspend, or revoke a license; and repealing WAC 50-60-180.

Statutory Authority for Adoption: RCW 19.146.225.

Pursuant to notice filed as WSR 95-05-084 on February 15, 1995.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing changes, were made to the proposed version of the rules and are currently reflected in the adopted version: (1) The definition of principal was changed to include persons who "control, directly or indirectly, through one or more intermediaries,

PERMANENT

alone or in concert with others" a ten percent or greater interest in a company. The previous language included only those who owned a ten percent or greater interest; (2) the testing requirement for branch managers under the proposed WAC 50-60-070 was eliminated after written comment received prior to the hearing pointed out that this requirement was inconsistent with the statute; and (3) a new subsection (b) was inserted in WAC 50-60-08025, a new section governing trust account deposit requirements. This new paragraph was inserted to make the rule consistent with previous versions of the draft rules. The new paragraph allows a licensed mortgage broker to endorse a check or money order "for deposit only" and mail the check to the broker's main office, which in turn must deposit the check within one business day. This allows mortgage brokers to account for trust account funds collected in branch offices in a centralized accounting system in the main office in compliance with the requirements of the statute. This is clearly in the interest of consumers.

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

June 21, 1995

Mark Thomson
Assistant Director

PART A DEFINITIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-010 Definitions. ~~((1) "Material litigation" is defined as any past or pending litigation which would be relevant to the director's ruling on an application for a mortgage brokerage license, including but not limited to the following types of litigation:~~

~~(a) Any previous convictions for a felony in the last seven years or currently pending felony charges.~~

~~(b) Any previous or pending civil actions involving financial misconduct, including but not limited to violations of the Mortgage Brokers Practices Act, the Consumer Protection Act, or state or federal securities laws.~~

~~(2) A "branch office" is defined as a fixed physical location such as an office, separate from the principal place of business of the licensed mortgage broker, where a licensee holds itself out to the public as acting as a mortgage broker. "Hold out to the public" means advertising or otherwise informing the public that mortgage loans are made or negotiated at that location, or listing that location on business cards, stationery, brochures, rate lists or other promotional items, but does not include listing a home or mobile telephone number on business cards or stationery in addition to listing the telephone number of a licensed place of business.~~

~~(3) A "principal" of any partnership, company, association or corporation is defined as any person who owns a ten percent interest or more in the partnership, company, association or corporation.)~~ As used in this chapter, the following definitions apply, unless the context otherwise requires:

(1) "Advertising material" means any form of sales or promotional materials to be used in connection with the mortgage broker business.

(2) "Affiliate" means any person who controls, is controlled by, or is under common control with, another person.

(3) "Application deposit" means a deposit in immediately available funds consisting of three hundred fifty dollars for each license applied for and one hundred seventy-five dollars for each branch office certificate applied for. For example, an applicant requesting a license and two branch office certificates must submit an application deposit of seven hundred dollars (calculated by adding three hundred fifty dollars to the product of two times one hundred seventy-five dollars).

(4) "Approved examination" means a written examination approved by the director.

(5) "Approved licensing or continuing education course" means a licensing or continuing education course approved by the director.

(6) "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

(7) "Branch office" means a fixed physical location such as an office, separate from the principal place of business of the licensee, where the licensee holds itself out as a mortgage broker.

(8) "Branch office certificate" means a branch office license issued by the director to engage in the mortgage broker business as the branch office indicated in the certificate, pursuant to RCW 19.146.265.

(9) "Certificate of passing an approved examination" means a certificate signed by the examination administrator verifying that the individual performed with a satisfactory score or higher on an approved licensing examination.

(10) "Certificate of satisfactory completion of an approved continuing education course" means a certificate signed by the course provider verifying that the individual has attended an approved continuing education course.

(11) "Certificate of satisfactory completion of an approved licensing course" means a certificate signed by the course provider verifying that the individual has attended at least forty hours of class of an approved licensing course.

(12) "Consumer Protection Act" means chapter 19.86 RCW.

(13) A person "controls" an entity if the person, directly or indirectly through one or more intermediaries, alone or in concert with others, owns, controls, or holds the power to vote twenty-five percent or more of the outstanding stock or voting power of the controlled entity.

(14) A person is "convicted" of a crime, irrespective of the pronouncement or suspension of sentence, if the person:

- Is convicted of the crime in any jurisdiction;
- Is convicted of a crime which, if committed within this state would constitute such a crime under the laws of this state;

- Has plead guilty or no contest or nolo contendere or stipulated to facts that are sufficient to justify a finding of guilt to such a charge before a court or federal magistrate; or

- Has been found guilty of such a crime by the decision or judgment of a court or federal magistrate or by the verdict of a jury.

(15) "Department" means the department of financial institutions.

(16) "Designated broker" means a natural person designated by the applicant for a license or licensee who meets the experience, education, and examination requirements set forth in RCW 19.146.210(e).

(17) "Director" means the director of financial institutions.

(18) "Employee" means any natural person who:

- Has an employment relationship, acknowledged by both the employee and the mortgage broker; and
- Is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

(19) "Financial institution" means a federally insured bank, savings bank, savings and loan association, or credit union, whether state or federally chartered, authorized to conduct business in this state.

(20) "Financial misconduct" means without limitation:

- Any conduct prohibited by the Mortgage Broker Practices Act;

- Any similar conduct prohibited by statutes governing mortgage brokers in other states; and

- Any similar conduct prohibited by statutes governing other segments of the financial services industry, including but not limited to the Consumer Protection Act, statutes governing the conduct of securities broker dealers, financial advisers, escrow officers, title insurance companies, limited practice officers, trust companies, and other licensed or chartered financial service providers.

(21) A person "holds oneself out" by advertising or otherwise informing the public that the person engages in any of the activities indicated, including without limit through the use of business cards, stationery, brochures, rate lists or other promotional items.

(22) "Independent contractor" or "person who independently contracts" means any person that:

- Expressly or impliedly contracts to perform mortgage broker activities for a licensee;
- With respect to its manner or means of performing the activities, is not subject to the licensee's right of control; and
- Is not treated as an employee by the licensee for purposes of compliance with federal income tax laws.

(23) "License" means a license issued by the director to engage in the mortgage broker business.

(24) "Licensee" or "licensed mortgage broker" means:

- A mortgage broker licensed by the director; and
- Any person required to be licensed pursuant to RCW 19.146.200 and 19.146.020.

(25) "Loan originator" means a natural person:

- Who is a mortgage broker employee who performs any mortgage broker activities; or

- Who is retained as an independent contractor by a mortgage broker, or represents a mortgage broker, in the performance of any mortgage broker activities.

(26) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms upon which it will make a loan available to the borrower.

(27) "Material litigation" means any conviction in the prior seven years for a felony, or for a gross misdemeanor

involving dishonesty or financial misconduct, and any litigation pending at any time during the prior seven years that would be relevant to the director's ruling on an application for a license, including but not limited to, the following types of litigation:

- Criminal actions involving felony charges.
- Criminal or civil actions involving dishonesty or financial misconduct.

(28) "Mortgage broker" means any person that for compensation or gain, or in the expectation of compensation or gain:

- Makes a residential mortgage loan or assists a person in obtaining a residential mortgage loan; or
- Holds himself or herself out as being able to do so.

(29) "Mortgage Broker Practices Act" means chapter 19.146 RCW and chapter 50-60 WAC.

(30) "Out-of-state applicant or licensee" means an applicant for a license or licensee that does not maintain a physical office within this state.

(31) "Person" means a natural person, corporation, company, partnership, or association.

(32) "Prepaid escrowed costs of ownership," as used in RCW 19.146.030(5), means any amounts prepaid by the borrower for the payment of taxes, property insurance, interim interest, and similar items in regard to the security property.

(33) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, association or corporation, and the owner of a sole proprietorship.

(34) "RCW" means the *Revised Code of Washington*.

(35) "Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act, 12 U.S.C. Sections 2601 et seq., and Regulation X, 24 C.F.R. Sections 3500 et seq.

(36) "Registered agent" means a person or persons located within this state that is appointed to accept service of process for an out-of-state licensee.

(37) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

(38) "Subsidiary" means a corporation, company, partnership, or association that is controlled by another.

(39) "Third-party provider" means any third party, other than a mortgage broker or lender, that provides goods or services to the mortgage broker in connection with the preparation of a borrower's loan and includes, but is not limited to, credit reporting agencies, title insurance companies, appraisers, structural and pest inspectors, or escrow companies. However, "third-party provider" does include a third-party lender, to the extent it provides lock-in arrangements to the mortgage broker in connection with the preparation of a borrower's loan.

(40) "Transfer" means a sale, transfer, assignment, or other disposition, whether by operation of law in a merger or otherwise.

(41) "Truth in Lending Act" means the Truth in Lending Act, 15 U.S.C. Sections 1601 et seq., and Regulation Z, 12 C.F.R. Sections 226 et seq.

PART B EXEMPTIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-020 Statutory exemptions. (1) The following persons are exempt from all provisions of ~~((these rules, with))~~ the ~~((exception of those who must comply with RCW 19.146.0201 according to RCW 19.146.020(2)))~~ Mortgage Broker Practices Act:

(a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

(b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(c) Any person doing any act under order of any court;

~~((Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;~~

(e)) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((f) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation;~~

~~((g) Any mortgage broker approved by the United States Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended;~~

~~((h))~~ (e) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality ~~((or))~~ of any of the entities in this subsection (1)~~((h))~~ (e); and

~~((i))~~ (f) A real estate broker who:

(i) In connection with a CLO system, provides only information ~~((only in connection with a CLO system, who may))~~ regarding rates, terms, and lenders;

(ii) Receives a fee for providing such information ~~((in an amount approved by the director and who));~~

(iii) Conforms to ~~((all))~~ these rules ~~((of the director))~~ with respect to the providing of such ~~((service))~~ information; and

(iv) Discloses on a form approved by the director that to obtain a loan the borrower must deal directly with a mortgage broker or lender.

However, a real estate broker is not exempt from the Mortgage Broker Practices Act if he or she does any of the following:

(A) Holds himself or herself out as able to obtain a loan from a lender;

(B) Accepts a loan application, or submits a loan application to a lender;

(C) Accepts any deposits for payment to a third-party provider, or accepts any loan fees from a borrower, whether such fees are paid before, upon, or after the closing of the loan;

(D) Negotiates rates or terms with a lender on behalf of a borrower; or

(E) Provides the disclosures required by RCW 19.146.030(1).

~~((2) ((Those persons otherwise exempt under subsection (1)(f), (g), and (i) of this section))~~ (a) The persons described in (b) and (c) of this subsection are exempt from the Mortgage Broker Practices Act except that they:

(i) Must comply with RCW 19.146.0201 through 19.146.090, Part D of chapter 50-60 WAC, and WAC 50-60-125, 50-60-130, 50-60-140, 50-60-165, 50-60-190, and 50-60-200;

(ii) Are subject to the director's authority to take enforcement action for any violation of applicable provisions of the Mortgage Broker Practices Act, pursuant to RCW 19.146.220, 19.146.221, and 19.146.227; and

(iii) Are subject to the director's authority to obtain and review books and records that are relevant to any investigation of such a violation pursuant to the first paragraph of RCW 19.146.235, and WAC 50-60-060(4).

(b) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the mortgage loan.

(c) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

PART C LICENSING

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-030 Application procedure for mortgage broker license. (1) Each person ~~((, as defined in RCW 19.146.010(8), desiring to obtain licensure as a mortgage broker shall))~~ required to have a license must apply to the director by ~~((submitting))~~ filing the following:

~~((1))~~ (a) An application ~~((shall be made))~~ in the form prescribed by the director, including without limit the information required by RCW 19.146.205 (1)(a) through (d).

~~((2))~~ The applications described in subsection (1) of this section must be accompanied by:

~~((a))~~ (b) A surety bond ~~((or equivalent as described in))~~ and related power of attorney, or approved alternative to the

bond, in accordance with RCW 19.146.205 (3)((a), (b), or (c)) and WAC 50-60-080 and 50-60-08010.

~~((b) Payment to the director of five hundred dollars for each application as a license fee to cover the costs of investigation and processing of the application, and otherwise enforcing this chapter)~~ (c) The application deposit.

~~((3) Each principal of an applicant that is a corporation or a partnership, or the owner if the applicant is unincorporated, shall complete and submit the following with the application)~~ (d) In regard to each principal, designated broker, and any branch office manager of the applicant:

~~((a))~~ (i) Biographical information including complete and accurate employment history and a description of any material litigation ((for the preceding seven years)) involving the person;

~~((b))~~ (ii) An independent credit report obtained from a recognized credit reporting agency((-);

~~((c))~~ (iii) A signed authorization for a background investigation((-) on a form provided by the department;

~~((d) A)~~ (iv) Completed fingerprint cards accepted by the Washington state patrol (this requirement does not apply to branch office managers);

(v) A signed authorization for verification of the existence of a trust account on a form provided by the department;

(vi) A certificate of passing an approved examination (this requirement does not apply to branch office managers); and

(vii) A certificate of satisfactory completion of an approved licensing course, or satisfactory proof of at least two years of experience in accordance with WAC 50-60-040.

~~((4))~~ (e) A signed certificate of compliance and authorization to examine trust accounts on a form provided by the department;

(f) Information to support any required branch office certificate, as required by WAC 50-60-070.

(g) Information in regard to each independent contractor retained by the applicant, in accordance with RCW 19.146.200(1).

(h) A copy of any written agreement with a lender or licensee, in accordance with RCW 19.146.040(2).

(i) A copy of any form to be approved by the director in accordance with WAC 50-60-130(2).

(j) If the applicant's principal office is located out-of-state, information in regard to the applicant's registered agent, in accordance with RCW 19.146.220(3).

(2) Notwithstanding any other provision of these rules, the director may deny an application as incomplete if the applicant fails within ten business days to meet a second request from the director for information, except that the director may grant an extension to the applicant when good cause is shown. An example of good cause may include, but ((shall) is not ((be) limited to, death or incapacitating illness of the preparer, or other catastrophic occurrence. ((Denial)) Failure to file requested information under such circumstances ((shall) will not affect new applications filed after the denial. ((Following denial on such grounds and)) An applicant may reapply upon submission of a new application and an additional ((license fee, an applicant may reapply)) application deposit.

NEW SECTION

WAC 50-60-035 Interim licenses. In the director's discretion, the director may issue interim licenses, subject to such conditions as may be determined by the director, in regard to an application which satisfies the requirements of WAC 50-60-030 (1)(a), (b), (c), (d)(i) through (v), (e), (f), (g), (h), (i), and (j). An interim license expires on the date indicated in the license, unless extended by the director.

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-040 Experience~~((, education and testing))~~ **requirements.** (1) ~~((An applicant who has satisfactorily completed an approved course or courses of study and has passed an approved examination shall be judged to meet the [experience] [educational] requirements for licensing as expressed in RCW 19.146.210 (1)(e)[-]-))~~

~~((2) An applicant who has two years of experience in the following categories may apply to the director for a waiver of the requirement for completion of an approved course of study))~~ A designated broker or branch office manager may use the following experience to satisfy the experience requirements of RCW 19.146.210 (1)(e) and 19.146.265:

(a) As a mortgage broker, or ((responsible individual in a mortgage brokerage business[-])) as a designated broker, or branch office manager, of a mortgage ((brokerage)) broker business;

(b) As a mortgage banker, or responsible individual ((in a mortgage brokerage business)) or branch manager, of a mortgage ((brokerage)) banking business;

(c) As a loan officer, with responsibility primarily for loans secured by a lien ((interests)) on real estate;

(d) As a branch manager of a lender, with responsibility primarily for loans secured by a lien ((interests)) on real estate.

(e) As a mortgage broker with a mortgage broker (or similar) license from another state where the licensing standards ((of which the director determines to be)) are substantially similar to those in this state, as determined by the director.

~~((3) An applicant shall be deemed to have satisfactorily completed an approved course of study and passed an approved examination if the applicant has:~~

~~((a) Attended at least 40 hours of class of an approved course of study, or such other period of class time as the director may deem adequate, and~~

~~((b) Received a certificate of completion from the course provider, which certificate verifies the applicant's attendance in the course and the applicant's satisfactory performance on an approved examination.~~

~~((4) Each licensee shall, upon or before the last business day of the calendar month in which their license was originally issued, submit to the director a certificate of completion from a course provider, which certificate verifies that a responsible party designated by the licensee and all of the licensee's branch managers have attended a seminar which was approved by the director and contained as its content a presentation and discussion of relevant changes to the laws, regulations, and industry practices and ethics listed in WAC 50-60-045 (e)(i) through (x).))~~ (2) Satisfactory proof of two years of experience may include valid copies of

W-2 or 1099 tax forms verifying employment for the two-year period, valid copies of form 1120 corporate tax returns for the two-year period signed by the broker or manager as owner of the business for the two-year period, or signed letters from a lender on the lender's letterhead verifying that the broker or manager has originated mortgage loans for the two-year period.

NEW SECTION

WAC 50-60-042 Continuing education requirement.

(1) The principal or designated broker and each branch office manager of a licensee must satisfactorily complete an approved continuing education course annually. Each licensee must file annually a certificate of satisfactory completion of an approved continuing education course by the licensee's principal or designated broker and each branch office manager, no later than the last business day of the month in which the anniversary date of the issuance of the licensee's license occurs.

(2) This section applies to each licensee beginning on the first anniversary date of the issuance of the licensee's license which occurs after December 31, 1995. (For example, if a licensee's license was issued on January 10, 1994, then the licensee must submit its first certificate of satisfactory completion of an approved continuing education course no later than the last business day of January 1996.)

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-045 Approval of ~~(course providers,)~~ courses ~~(of study,)~~ and examinations. (1) ~~((An application to the director for approval of a course of study shall include the following items:))~~ In order to receive approval of a licensing or continuing education course, the course provider must file an application with the director, which includes the following items:

(a) A description of the course provider's experience in teaching this type of course ~~((and administering this type of examination));~~

(b) A complete listing of all instructors for the course, including their qualifications and experience teaching courses similar to this course;

(c) A valid certification as a vocational instructor issued by the state of Washington;

(d) In connection with approval of a licensing course, all course materials and lesson plans on a session-by-session basis, which ~~((shall))~~ must cover at least the following subjects to be taught:

(i) ~~The Mortgage Broker Practices Act ~~((, chapter 19.146 RCW, and the rules promulgated pursuant to this act in chapter 50-60 WAC));~~~~

(ii) ~~The Consumer Protection Act ~~((, chapter 19.86 RCW));~~~~

(iii) ~~The Escrow Agent Registration Act, chapter 18.44 RCW;~~

(iv) The federal Real Estate Settlement Procedures Act, Truth in Lending Act, Equal Credit Opportunity Act, Fair Credit Reporting Act, Fair Housing Act, Home Mortgage Disclosure Act, and Community Reinvestment Act, and the regulations promulgated pursuant to these acts.

(v) ~~Trust account and recordkeeping requirements ~~((as defined in chapter 19.146 RCW and chapter 50-60 WAC))~~ provided in the Mortgage Broker Practices Act;~~

(vi) ~~Mortgage, deed of trust, and real estate contract ~~((law as provided))~~ statutes set forth in Title 61 RCW;~~

(vii) Washington principal and agent law;

(viii) ~~Real estate and appraisal law ~~((as provided for in)),~~ including without limitation, the provisions of chapters 18.85 and 18.140 RCW;~~

(ix) ~~Arithmetical computations common to mortgage ~~((brokering))~~ lending including ~~((, but not limited to))~~ without limitation, the computation of annual percentage rate, finance charge, amount financed, payment and amortization;~~

(x) Ethics in the mortgage industry; and

~~((d))~~ (e) In connection with a continuing education course, all course materials and lesson plans on a session-by-session basis, which cover all relevant changes to the laws and matters described in (d) of this subsection.

(2) In order to receive approval of an examination, the examination administrator must file an application with the director, including the following items:

(a) A description of the examination administrator's experience in administering this type of examination; and

(b) A copy of any examinations to be used in determining satisfactory comprehension of the contents of the course and the grading scale to be used. Any new or revised examinations or grading scales to be used ~~((by a course provider shall))~~ must be submitted to the director for ~~((his or her))~~ approval prior to their use ~~((in the course of study)).~~

~~((2))~~ (3) The director shall review the ~~((items submitted to))~~ applications filed with the department and determine whether ~~((the provider,))~~ to approve or deny the proposed course ~~((of study, and the proposed))~~ or examination ~~((s and grading scales are approved. Such approval shall be before the period of two years and shall be confirmed through issuance of)).~~ If the director approves the course or examination, the director shall issue a certificate of approval that will be effective for two years from the date of its issuance.

(4) The director shall publish annually a list of approved courses and approved examinations.

(5) A course provider or examination administrator that desires to renew the certificate of approval must apply to the director and file the items required in subsection (1) of this section no later than forty-five days before the certificate expires.

(6) The director ~~((or his or her designee))~~ may audit ~~((a))~~ an approved course ~~((of study))~~ or examination at any time. If the ~~((director finds that a))~~ course ~~((of study is not approved, or if the))~~ provider ~~((of the course of study))~~ or examination administrator has not complied with the requirements of this section, the director may ~~((withhold or))~~ suspend or terminate approval ~~((of the course of study))~~ and require the ~~((return))~~ surrender of ~~((any))~~ the certificate of approval ~~((previously issued by the director)).~~

~~((3))~~ Prior to expiration of its certificate of approval, each course provider that desires to maintain its approved status shall submit to the director the items required in paragraph (1) of this section to renew its certificate of approval.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-050 (~~(Access to)~~ **Demand for criminal history information.** (1) In regard to the principal or designated broker of an applicant for a license or a licensee, the director may obtain and review the criminal conviction record of the individual that is maintained by any federal, state or local law enforcement agency (~~(relating to:~~

(a) ~~An applicant for a license under this article; or~~
 (b) ~~Any principal of a partnership, company, association or corporate applicant for a license under this article).~~ For this purpose, the director may require the applicant or licensee to provide completed fingerprint cards accepted by the Washington state patrol, recent photograph, and signed authorization for background investigation on a form provided by the department.

~~((2) The director may refuse to grant a license or may suspend or revoke a license if the applicant, licensee, or any principal of a partnership, company, association or corporate applicant, fails to provide a complete set of fingerprints and a recent photograph on request.))~~

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-060 (~~(Application deposits, investigation fees, and annual assessment.)~~ **Department's fees and assessments.** (1) ~~((For each application for a Washington mortgage broker license, the director shall receive and there shall be paid to the director[,]) prior to issuance of the license, an application deposit. Upon completion of processing and reviewing of the application, the department will prepare a billing, regardless of whether a license has been issued, calculated at the rate of \$35 per hour for each hour devoted to processing and reviewing the application. The application deposit will be applied against this bill. Any amount left owing to the department will be billed to the applicant, while any balance remaining from the deposit will be refunded to the applicant.~~

~~(2) Upon completion of any investigation or examination of any licensee, or of any mortgage broker subject to the investigatory and enforcement powers of the director under RCW 19.146.020(2), such person shall pay to the director an investigation charge to cover the cost of the investigation or examination. This investigation charge will be calculated at the rate of \$45 per hour for each hour devoted to the investigation or examination of the books and records of the mortgage broker. Those licensees issued licenses prior to March 21, 1994 shall be deemed to have prepaid in their initial license fee the cost of the first compliance examination conducted by the department during the licensee's first two years of operating under a mortgage broker license.~~

~~(3) Each licensee shall pay to the director each year, on or before the last business day of the calendar month in which their license was originally issued, [an annual assessment of \$500 for each mortgage broker license.] Upon completion of processing and reviewing an application for a license or branch office certificate, the department will prepare a billing, regardless of whether a license or certificate has been issued, calculated at the rate of thirty-five dollars per hour that each staff person devoted to processing and reviewing the application. The application deposit will~~

be applied against this bill. Any amount left owing to the department will be billed to and paid promptly by the applicant, while any balance remaining from the deposit will be refunded promptly to the applicant.

(2) Upon completion of any examination of the books and records of a licensee, the department will furnish to the licensee a billing to cover the cost of the examination. The examination charge will be calculated at the rate of forty-five dollars per hour that each staff person devoted to the examination. The examination billing will be paid by the licensee promptly upon receipt. Licensees that were issued licenses prior to March 21, 1994, have prepaid in their initial license fee the cost of the first compliance examination of the licensee conducted by the department during the first two years after the date of issuance of the license.

(3) Each licensee shall pay to the director an annual assessment of five hundred dollars for each license, and five hundred dollars for each branch office certificate. The annual assessment(s) will be due no later than the last business day of the month in which the anniversary date of the issuance of the broker's license occurs.

(4) Upon completion of any investigation of the books and records of a mortgage broker other than a licensee, the department will furnish to the broker a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-five dollars per hour that each staff person devoted to the investigation. The investigation billing will be paid by the mortgage broker promptly upon receipt.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-070 **Branch office application procedure.** ~~((Application may be made for branch office licenses in a form specified by the director. However, the branch manager of each branch office must be a licensed mortgage broker, and therefore must complete a separate application for a mortgage broker license as required by WAC 50-60-030 if he or she is not already licensed. This will require surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).))~~ Each applicant for a license or licensee required to obtain a branch office certificate shall apply to the director by filing the following:

(1) An application in the form prescribed by the director.

(2) The application deposit.

(3) In regard to each branch office manager:

(a) Biographical information including complete and accurate employment history and a description of any material litigation involving the manager;

(b) A signed authorization for background investigation on a form provided by the director; and

(c) A certificate of satisfactory completion of an approved licensing course, or satisfactory proof of at least two years' experience in accordance with WAC 50-60-040.

A different natural person must serve as manager for each branch office. A branch office application may be submitted simultaneously with a license application, however no branch office certificate will be issued prior to the issuance of the license.

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-080 Surety bond ((for applicants engaging in the business of a mortgage broker)) and approved alternatives—General requirements. (1) ((Prior to licensing, an applicant for a mortgage broker license shall obtain and file with the director a surety bond along with a valid power of attorney issued by a bonding company or insurance company authorized to do business in this state. The surety bond amount required of each applicant, ranging from \$20,000 to \$60,000, will be determined by the monthly average number of loan originators employed or engaged by the applicant for the previous 12 months.

(2) The monthly average number of loan originators employed or engaged by the applicant shall be calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous 12 months, and dividing this total by 12. If the applicant has been in business less than 12 months, the monthly average number of loan originators employed or engaged by the applicant will be calculated by adding the number of loan originators employed or engaged each month (or part thereof) for the number of months the applicant has been in business and the projected number of loan originators to be employed each month (or part thereof) for the remaining months in the twelve month period, and dividing this total by twelve. If the applicant has no history of business, the monthly average number of loan originators will be determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during which the applicant will do business, and dividing this total by twelve. The projected number of loan originators to be employed or engaged during the first twelve months during which the applicant will do business must reflect at least the actual number of originators at the inception of business.

(3) Based upon the calculation of the monthly average number of loan originators employed or engaged by the applicant, the applicant shall maintain on file with the director a surety bond in an amount equal to or greater than that indicated by the following table:

Monthly Average Number of Loan Originators	Bond Amount
3 or fewer	\$20,000
greater than 3 to 6	\$30,000
greater than 6 to 9	\$40,000
greater than 9 to 15	\$50,000
greater than 15	\$60,000

(4) Each licensee shall maintain on file with the director a valid surety bond or approved alternative in an amount equal to or greater than the required amount. Each licensee shall calculate the monthly average number of loan originators it has employed or engaged over the previous twelve months at least once each year forty five days prior to the anniversary date of its bond. If this calculation reveals that the monthly average number of loan originators has increased by an amount which requires an increase in the licensee's surety bond amount, according to the surety bond amount table provided in this section, then the licensee shall

obtain an increase in the amount of coverage on its surety bond to the required amount within thirty days of the date of the calculation.

(5) Each licensee shall maintain for a period of four years in an accessible location a worksheet of the calculation required in subsection (4) of this section.

(6) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.)) Each applicant for a license and licensee must file and maintain on file with the director:

(a) A surety bond in the required amount and related power of attorney issued by a bonding company or insurance company authorized to do business in this state; or

(b) An approved alternative to a surety bond in the required amount in accordance with WAC 50-60-08010.

The required amount of the surety bond or approved alternative ranges from twenty thousand dollars to sixty thousand dollars and is based on the applicant's or licensee's monthly average number of loan originators calculated in accordance with subsection (2) of this section. The surety bond or approved alternative is subject to claims in accordance with RCW 19.146.240.

(2) The monthly average number of loan originators is calculated as follows:

(a) If the applicant or licensee has not been in the mortgage broker business at any time during the preceding twelve months, the monthly average number of loan originators is determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during which the applicant or licensee will do business, and dividing this total by twelve. The projected number of loan originators must reflect at least the actual number of originators at the inception of business.

(b) If the applicant or licensee has not been in the mortgage broker business at least some portion of each of the preceding twelve months, the monthly average number of loan originators is calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the number of months the applicant or licensee has been in business during the twelve-month period, and the projected number of loan originators to be employed or engaged each month for any additional months necessary to comprise a total of twelve months (or part thereof), and dividing this total by twelve.

(c) Otherwise, the monthly average number of loan originators as calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous twelve months, and dividing this total by twelve.

(3) Based upon the monthly average number of loan originators, the required surety bond amount is indicated by the following table:

Monthly Average Number of Loan Originators	Minimum Required Bond Amount
up to 3.0	\$20,000
more than 3.0, up to 6.0	\$30,000
more than 6.0, up to 9.0	\$40,000
more than 9.0, up to 15.0	\$50,000
more than 15.0	\$60,000

PERMANENT

When calculating the required bond amount, an applicant or licensee shall use the worksheet form approved by the director.

(4) At least forty-five days prior to each anniversary of the issuance of the surety bond or approved alternative, each licensee shall calculate its required bond amount in accordance with subsections (2) and (3) of this section. If the required surety bond amount has changed, then the licensee shall within thirty days of the date of the calculation, file a new surety bond or approved alternative in the required amount or file documentation showing a change in the amount of the existing bond or alternative to the required amount.

(5) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.

NEW SECTION

WAC 50-60-08005 Alternatives to the surety bond.

(1) In lieu of a surety bond, an applicant for a license or licensee may with the approval of the director:

(a) File with the director an assignment of a certificate of deposit in the required surety bond amount, drawn in favor of the director. The depositor shall be entitled to receive all interest and dividends on the certificate of deposit.

(b) File with the director an irrevocable letter of credit in the required surety bond amount and drawn in favor of the director. The letter of credit must provide the same measure of protection as a surety bond provides to consumers and others who may have reason to make claim on the instrument. This means, in part, that the letter of credit must be available under its terms for one year after its expiration or suspension to pay claims arising out of violations while it was in effect. The letter of credit must be issued by a financial institution approved by the director. The licensee and the financial institution that issued the letter of credit must notify the director within two business days of any suspension, expiration, or material change in the protection provided by the letter of credit.

(2) A licensee may request in writing that an assignment of a certificate of deposit or a letter of credit be released. The director may release the assignment or letter of credit when a sufficient period of time has passed, not to exceed one year after filing a surety bond or approved alternative, or after the licensee has ceased business, to allow for claims to be presented against the certificate of deposit or letter of credit.

To ensure protection for consumers and others, the director may require that the licensee file with the director, prior to the release of the assignment or letter of credit:

(a) A surety bond or an approved alternative, in the required amount, if the licensee intends to continue in the mortgage broker business under its license;

(b) All of the licensee's licenses and branch office certificates, if the licensee intends to no longer engage in the mortgage broker business, or if the licensee intends to continue in the business but has become exempt from licensing under the Mortgage Broker Practices Act. In the latter case, the director may also require the licensee to provide proof of exemption from licensing;

(c) Copies of any agreements between the licensee and the financial institutions that issued the certificate of deposit or letter of credit;

(d) Copies of any agreements between the licensee and any third party which represents an outstanding claim, potential claim, or settlement of any claim against the licensee which could diminish the protection enjoyed by consumers or others that may have reason to make a claim against the licensee;

(e) An audited financial statement for the licensee's mortgage broker business;

(f) Copies of any notes, secured or unsecured, or other forms of debt that are outstanding to any parties not mentioned in (a) through (e) of this subsection; and

(g) Any other information the director may deem necessary under the circumstances.

PART D

TRUST ACCOUNTS AND ACCOUNTING REQUIREMENTS

NEW SECTION

WAC 50-60-08010 Establishment of trust account for borrower funds to pay third-party providers. Each mortgage broker shall as trustee hold all funds received from borrowers for payment to third-party providers. The funds may not be used for the benefit of the mortgage broker or any person not entitled to such benefit, except as may be expressly permitted by the Mortgage Broker Practices Act. Each mortgage broker shall establish a trust account(s) for the funds in a financial institution's branch located in this state. Each mortgage broker is responsible for depositing, holding, disbursing, accounting for, and otherwise dealing with the funds, in accordance with the act.

NEW SECTION

WAC 50-60-08015 Designation of trust account(s). Each account holding borrower funds to pay third-party providers must be designated as a trust account in the name of the mortgage broker as it appears on its license, or if exempt from licensing, in the name of the exempt broker. All checks must be prenumbered by the supplier (printer) and bear upon the front of the check the identifying words, "trust account." Any interest earned on a borrower's subaccount shall be refunded or credited to the borrower either at closing or upon withdrawal or denial of the borrower's loan application.

NEW SECTION

WAC 50-60-08020 Required trust account records and procedures. Each mortgage broker shall establish and maintain a system of records and procedures for trust accounts as provided in the Mortgage Broker Practices Act. Any alternative records or procedures proposed for use by the mortgage broker shall be approved in advance by the director or his or her designee.

Each mortgage broker shall maintain as part of its books and records:

(1) A trust account deposit register and copies of all validated deposit slips or signed deposit receipts for each deposit to the trust account;

(2) A ledger for each trust account. Each ledger must contain a separate subaccount ledger sheet for each borrower from whom funds are received for payment of third-party providers. Each receipt and disbursement pertaining to such funds must be posted to the ledger sheet at the time the receipt or disbursement occurs. Entries to each ledger sheet must show the date of deposit, identifying check or instrument number, amount and name of remitter. Offsetting entries to each ledger sheet must show the date of check, check number, amount of check, name of payee and invoice number if any. Canceled or closed ledger sheets must be identified by time period and borrower name or loan number;

(3) A trust account check register consisting of a record of all deposits to and disbursements from the trust account;

(4) Reconciled trust account bank statements;

(5) A monthly trial balance of the ledger of trust accounts, and a reconciliation of the ledger of trust accounts with the related bank statement(s) and the related check register(s).

The reconciled balance of the trust account(s) must at all times equal the sum of:

(a) The outstanding amount of funds received from borrowers for payment of third-party providers; and

(b) The outstanding amount of any deposits into the trust fund of the mortgage broker's own funds in accordance with WAC 50-60-08025(4).

(6) A printed and dated source document file to support any changes to existing accounting records.

NEW SECTION

WAC 50-60-08025 Trust account deposit requirements. (1) All funds received from borrowers or on behalf of borrowers for the payment of third-party providers, whether specifically identified as such or not, and regardless of when they are received, must be deposited in the trust account(s) prior to the end of the next business day following receipt. In order to satisfy this requirement in regard to the deposit of a check or money order, the mortgage broker must within one business day after receipt of the check or money order:

(a) Endorse the check or money order "for deposit only" with the broker's trust account number and mail the check postage prepaid to its financial institution; or

(b) Endorse the check or money order "for deposit only" with the mortgage broker's trust account deposit number and mail the check or money order postage prepaid to the main office of the broker. The main office shall, in turn, deposit the check or money order in its financial institution prior to the end of the next business day after receipt of the check or money order in the main office; or

(c) Deposit the check or money order into its trust account by depositing it directly at the branch where its trust account is held or at an ATM of its financial institution.

(2) All deposits to the trust account(s) must be documented by a bank deposit slip which has been validated by bank imprint, or by an attached deposit receipt which bears the signature of an authorized representative of the mortgage

broker indicating that the funds were actually deposited into the proper account(s).

(3) Receipt of funds by wire transfer or any means other than cash, check, or money order, must be posted in the same manner as other receipts. Any such transfer of funds must include a traceable identifying name or number supplied by the financial institution or transferring entity. The mortgage broker must also retain a receipt for the deposit of the funds which must contain the traceable identifying name or number supplied by the financial institution or transferring entity.

(4) Deposits to the trust account(s) must be limited to funds delivered to the mortgage broker for payment to third-party providers, except a mortgage broker may deposit its own funds into the trust account(s) to prevent a disbursement in excess of an individual borrower's subaccount, provided that the exact sum of deficiency is deposited and detailed records of the deposit and its purpose are maintained in the trust ledger and the trust account(s) check register. Any deposits of the mortgage broker's own funds into the trust account(s) must be held in trust in the same manner as funds paid by borrowers for the payment of third-party providers and treated accordingly in compliance with the Mortgage Broker Practices Act.

If a mortgage broker has deposited its own funds into its trust account, the mortgage broker may receive reimbursement for such deposit at closing into its general business bank account provided:

(a) All third-party provider's charges associated with the mortgage broker's deposit have been paid;

(b) The HUD 1 Settlement Statement provided to the borrower clearly reflects the line item, "deposit paid by broker," and the amount deposited;

(c) The HUD 1 Settlement Statement provided to the borrower clearly reflects the line item, "reimbursement to broker for funds advances," and the amount reimbursed; and

(d) Any funds disbursed by escrow at closing to the mortgage broker for payment of unpaid third-party providers' expenses charged or to be charged to the mortgage broker are deposited into the borrower's subaccount of the mortgage broker's trust account.

NEW SECTION

WAC 50-60-08030 Trust account disbursement requirements. (1) Each mortgage broker is responsible for the disbursement of all trust account funds, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the mortgage broker's behalf.

(2) All disbursements of trust funds must be made by check, drawn on the trust account, and identified on the check as pertaining to a specific third-party provider transaction or borrower refund, except as specified in this section. The number of each check, amount, date, and payee must be shown in the trust account(s) check ledger as written on the check.

(3) Disbursements may be made from the trust account(s) for the payment of bona fide third-party providers' services rendered in the course of the borrower's loan origination, if the borrower has consented in writing to the payment. Such consent may be given at any time during the

application process and in any written form, provided that it contains sufficient detail to verify the borrower's consent to the use of trust funds. No disbursement on behalf of the borrower may be made from the trust account until the borrower's or broker's deposit of sufficient funds into the trust account(s) is available for withdrawal.

(4) If a borrower has more than one loan application pending with a mortgage broker, the mortgage broker shall maintain a separate subaccount ledger for each loan application. The borrower must consent to any transfer of trust account funds between the individual subaccounts associated with these pending loan applications. The consent must be maintained in the borrower's loan file and referenced in the borrower's subaccount ledger sheets.

(5) Among other prohibited disbursements, no disbursement may be made from a borrower's subaccount:

(a) In excess of the amount held in the borrower's subaccount (commonly referred to as a disbursement in excess);

(b) In payment of a fee owed to any employee of the mortgage broker or in payment of any business expense of the mortgage broker;

(c) For payment of any service charges related to the management or administration of the trust account(s);

(d) For payment of any fees owed to the mortgage broker by the borrower, or to transfer funds from the subaccount to any other account; and

(e) For the payment of fees owed to the broker under RCW 19.146.070 (2)(a).

(6) A mortgage broker may, in the case of a closed and funded transaction, transfer excess funds remaining in the individual borrower's subaccount into the mortgage broker's general business bank account upon determination that all third-party providers' expenses have been accurately reported in the loan closing documents and have been paid in full, and that the borrower has received credit in the loan closing documents for all funds deposited in the trust account.

Each mortgage broker shall maintain a detailed audit trail for any disbursements from the borrower's subaccount(s) into the mortgage broker's general business bank account, including documentation in the form of a final HUD-1 Settlement Statement form showing that credit has been received by the borrower in the closing and funding of the transaction. The disbursements must be made by a check drawn on the trust account and deposited directly into the mortgage broker's general business bank account.

(7) Borrower funds held by the mortgage broker must be remitted to the borrower within five business days of the determination that all payments to third-party providers owed by the borrower have been satisfied.

(8) Any trust funds held by the mortgage broker for a borrower who cannot be located must be remitted in compliance with the Uniform Unclaimed Property Act of 1983, chapter 63.29 RCW.

NEW SECTION

WAC 50-60-08035 Computerized accounting system requirements. The following requirements apply to computerized accounting systems:

(1) The system must provide the capability to back-up data files;

(2) Each computer generated trust account deposit register, trust account check register, and each trial balance ledger must be printed at least once per month and retained as part of a mortgage broker's books and records. Each borrower subaccount ledger must also be printed at the closure of each subaccount and retained as part of a mortgage broker's books and records; and

(3) Computer generated reconciliations of the trust account, as described in WAC 50-60-08020(5), must be performed and printed at least once each month and retained as a part of a mortgage broker's books and records.

NEW SECTION

WAC 50-60-08040 Automated check writing systems. If a mortgage broker uses a program which has the ability to write checks:

(1) The check number must be pre-printed by the supplier (printer) on the check and on the voucher copy;

(2) The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(3) The check number must appear in the magnetic coding which also identifies the account number for readability by financial institution computers; and

(4) All checks written must be included within the computer accounting system.

PART E OUT-OF-STATE LICENSEES

NEW SECTION

WAC 50-60-09005 Registered agent and agent's office. (1) Each out-of-state applicant or licensee must continuously maintain in this state a registered agent for service of process, notice, or demand in any judicial or administrative noncriminal suit, action, or proceeding against the licensee which arises under the Mortgage Broker Practices Act, with the same force and validity as if served personally on the licensee.

(2) Each out-of-state applicant or licensee must file with the director the agent's name, office mailing address, and consent to appointment. The agent's office address must include the number, if any, and street or building address or rural route, or, if a commonly known street or rural route address does not exist, a legal description. A registered agent's office may not be identified in the records of the department by post office box number, or a street address and box number of a private mail box company which creates the illusion of a physical office location where none in fact exists, or other nongeographic address. The address must accurately identify the actual location of the agent's office.

(3) An out-of-state applicant or licensee may not appoint a registered agent without the agent's prior written consent. In the event any person has been appointed agent without consent, that person may file a notarized statement attesting to that fact, and the agent's name will promptly be removed from the records of the department.

NEW SECTION

WAC 50-60-09010 Change of registered agent or agent's office. An out-of-state licensee may change its registered agent or its agent's office mailing address on the records of the department by delivering to the director a statement of change that sets forth:

- (1) The licensee's name;
- (2) If the agent's office location is to be changed, the address of the agent's new office in accordance with WAC 50-60-09005(2); and
- (3) If the registered agent is to be changed, the name and new address of the new registered agent in accordance with WAC 50-60-09005(2) and the new agent's written consent to the appointment.

NEW SECTION

WAC 50-60-09015 Resignation of registered agent.

- (1) A registered agent may resign as agent on the records of the department by signing and filing with the director a statement of resignation.
- (2) After filing the statement, the director shall mail a copy of the statement to the licensee at its principal place of business.
- (3) The agency appointment is terminated on the thirty-first day after the date on which the statement was filed.

NEW SECTION

WAC 50-60-09020 Service on licensee. (1) The registered agent of an out-of-state licensee is the licensee's agent for service of process, notice, or demand as set forth in WAC 50-60-09005(1).

(2) The director shall be an agent of an out-of-state licensee upon whom any process, notice, or demand may be served if:

- (a) The licensee fails to appoint or maintain continuously a registered agent in this state; or
- (b) The registered agent cannot with reasonable diligence be found at its office mailing address as indicated on the records of the department.

(3) Service on the director of any such process, notice, or demand must be made by delivering to and leaving with the director, or with an assistant director, the process, notice, or demand. In the event any such process, notice, or demand is served on the director, the director shall immediately cause a copy of it to be forwarded by certified mail, addressed to the licensee at the licensee's address as shown on the records of the department. Any service on the director must be returnable in not less than thirty days.

PART F ASSOCIATIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-100 License standards for associations. ~~((Since all members of an association are legally responsible for actions of an association, all members of an association must complete an application for licensing and must meet the criteria for licensing as set forth in chapter 19.146 RCW and chapter 50-60 WAC.))~~ A mortgage broker that is a

member of an association and that is required to have a license may not avoid the licensing requirement because the association has applied for or received a license.

PART G TRANSFERS BY LICENSEES; CHANGES IN PRINCIPAL OR DESIGNATED BROKER OF LI- CENSEES

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-110 ~~((Sale, transfer, or change of control))~~ Transfers by, or changes in principal or designated broker of, a ((licensed mortgage broker agency or business)) licensee. (1) A ~~((Washington state mortgage broker))~~ license ~~((is))~~ may not ((transferable or assignable)) be transferred.

(2) ~~Whenever a licensee ((who is a sole proprietorship intends to sell or otherwise transfer their interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following))~~ contemplates a transfer involving all or substantially all of its assets, the licensee shall provide written notice to the director at least thirty days prior to the effective date of the transfer. This notice must include a copy of the signed agreement between the parties which provides in part:

(a) ~~A stipulation that the ((buyer (-)) transferee ((+))) is responsible for obtaining a ((valid Washington state mortgage broker)) license prior to completion of the ((sale or)) transfer((-));~~

(b) ~~A stipulation that the ((buyer (-)) transferee ((-)) is responsible for obtaining the appropriate))~~ shall obtain a surety bond((-)) or ((acceptable)) approved alternative, in the required amount, and ((filing such)) file the surety bond or ((acceptable)) approved alternative with the director prior to completion of the ((sale or)) transfer((-);

(c) ~~((Clear assignment of the responsibility for))~~ A stipulation indicating which of the parties shall:

(i) ~~Make all payments due to customers and third-party ((service)) providers on or before the effective date of the ((sale to either the seller (transferor) or the buyer (transferee)) transfer;~~

~~((d) Clear assignment of the responsibility for maintaining and preserving))~~ (ii) Maintain and preserve the accounting and other records as required by RCW 19.146.060 and WAC 50-60-125 and 50-60-140 ((to either the seller (transferor) or the buyer (transferee));

~~((e))~~ (iii) Provide notice of the transfer to all of the licensee's clients who have loan applications in process, or who have deposited funds with the licensee, or who have executed some other form of written agreement with the licensee; and

(iv) Provide notice to all third-party providers for whom the licensee is holding deposits from borrowers to pay their fees; and

(d) A stipulation that the ((buyer (-)) transferee ((+))) is either restricted from using or ((is)) authorized to use, the

((seller's (transferor's))) licensee's mortgage broker business name.

((f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(3) Whenever a licensee that is a partnership or corporation intends to sell or otherwise transfer a controlling interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.

(b) Stipulation that the buyer (transferee) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.

(c) Clear assignment of the responsibility for all payments due to customers and third party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferee).

(d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50-60-140 to either the seller (transferor) or the buyer (transferee).

(e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.

(f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(4) Whenever there is a change in a principal of a licensee that is a corporation or partnership, the licensee must provide the director with all information required of a principal when an application is made for a mortgage brokers license as specified in WAC 50-60-030. The director shall make a determination, prior to completion of the sale, whether the proposed new principal in the licensee meets the requirements which must be met to be licensed as a mortgage broker as specified in RCW 19.146.210.)) (3) At least thirty days prior to a change in a principal or designated broker of a licensee, the licensee shall provide the director with all information required of a principal or designated broker when an application is made for a license as specified in WAC 50-60-030. The director shall make a

determination prior to completion of the change, whether the proposed new principal or designated broker meets the requirements which must be met in order for the mortgage broker to be issued a license in accordance with RCW 19.146.210, and approve or deny the change.

PART H EMPLOYEES AND INDEPENDENT CONTRACTORS OF LICENSEES

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-120 Employees and independent contractors of ((licensed mortgage broker)) licensees. RCW 19.146.200 prohibits a person from engaging in the business of a mortgage broker without first obtaining and maintaining a ((mortgage broker)) license, except as an employee or independent contractor of a ((person licensed or exempt from licensing)) licensee or mortgage broker described in WAC 50-60-020 (2)(b) and (c). ((For the purpose of licensing of mortgage brokers, an employee is defined as any individual who has an employment relationship, acknowledged by both the employee and the licensee, where the individual is treated as an employee by the licensee for purposes of compliance with federal income tax laws.))

PART I RECORDKEEPING REQUIREMENTS

NEW SECTION

WAC 50-60-125 Recordkeeping and other requirements for advertising materials. (1) Each mortgage broker shall maintain as a part of its books and records one copy of each item of all advertising material which mentions rates or fees. However, an advertising flyer is exempt from this subsection if:

(a) The flyer is prepared by mortgage brokers for specific use by real estate professionals to provide information to consumers and to offer comparisons of the financing options available to consumers;

(b) The flyer complies with all advertising requirements of the Mortgage Broker Practices Act, including without limit, the requirements of the Truth in Lending Act;

(c) The flyer provides full disclosure of rates, fees, and terms, including the annual percentage rate of any loan used for illustrative purposes; and

(d) The flyer contains the following disclosure:
"This document is not intended as an offer to extend credit nor a commitment to lend. The loan interest rates, fees, and terms presented herein are for illustrative purposes only and may not be currently available. This document has been prepared to assist real estate professionals in illustrating some of the financing options available to consumers."

(2) Each mortgage broker is responsible for the accuracy and reliability of its advertising material and its compliance with the Mortgage Broker Practices Act.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-130 Disclosures required to borrower.

(1) Any form of disclosures required by RCW 19.146.030 ~~((1,))~~ (2) ~~((e,))~~ (d), (e), and (f) ~~((shall))~~ must be ~~((made in the form approved by))~~ acceptable to the director. A model form for this purpose promulgated by the director is considered acceptable.

(2) Any lock-in agreement form or disclosure form described in RCW 19.146.030 (2)(c) must be approved by the director prior to its use by a mortgage broker or its loan originators. This subsection does not apply to use of a model form promulgated by the director.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-140 General recordkeeping requirements. (1) Each mortgage broker ~~((required to be licensed by chapter 468, Laws of 1993,))~~ shall retain its books and records for a minimum of four years after the effective period to which the books and records relate.

However, books and records relating to a specific loan application must be maintained for a minimum of four years after a loan application is received. These books and records must be retained in all cases where a loan application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed.

(2) All books and records must be kept in a location in this state that is readily accessible to the department. However, a mortgage broker may store its books and records outside the state with the prior approval of the director, and after executing a written agreement with the director:

(a) To provide access to its books and records to investigate complaints against the mortgage broker; and

(b) To pay the department's travel, lodging and per diem expenses incurred in travel to examine books and records stored out-of-state.

(3) Books and records include without limitation: The original contracts for the broker's compensation, an accounting of all funds received in connection with ~~((the))~~ loans, a copy of the settlement statements as provided to ~~((the))~~ borrowers ~~((if the loan closed)),~~ a record of any fees refunded to ~~((the))~~ applicants ~~((if the))~~ for loans that did not close, copies of the good faith estimates and all other written disclosures, and all other correspondence, papers or records relating to ~~((the))~~ loan applications ~~((for a minimum of six years after a mortgage application is received. These records shall be retained in all cases where a mortgage application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed)).~~

NEW SECTION

WAC 50-60-145 Forwarding appraisal, title report and credit report. If a borrower is unable to obtain a loan for any reason and the borrower has paid the mortgage broker for an appraisal, title report, or credit report, the borrower may request in writing that the mortgage broker mail (or otherwise furnish) a copy of the appraisal, title

report or credit report to the borrower and mail (or otherwise furnish) the originals to any other mortgage broker or lender of the borrower's choice. The copies and originals must be furnished by the mortgage broker within five days after the mortgage broker has received the borrower's written request. By furnishing the originals to another mortgage broker or lender, the mortgage broker conveys the right to use the documents to the other broker or lender. The mortgage broker must, upon request by the other broker or lender, provide written evidence of the conveyance.

**PART J
DISCLOSURE OF SIGNIFICANT
AND ADVERSE DEVELOPMENTS
AFFECTING LICENSEES**

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-150 Disclosure of significant developments. (1) A licensee ~~((shall be required to))~~ must notify the director in writing within thirty days ~~((of))~~ after the occurrence of any of the following ~~((significant))~~ developments:

(a) Licensee's filing for bankruptcy or reorganization.

(b) Receipt of notification of license revocation procedures in any state against the licensee.

(c) The filing of a felony indictment or information related to mortgage brokering activities of the licensee, or any officer, director, ~~((of))~~ principal, or designated broker of the licensee.

(d) ~~((A))~~ The licensee, or any officer, director, ~~((of))~~ principal, or designated broker of the licensee being convicted of a felony.

(e) Receipt of notification of cancellation of the licensee's surety bond ~~((as required for licensing))~~ or approved alternative, or any significant decline in value of ~~((any))~~ an approved alternative ~~((to the surety bond))~~ held by the director.

(f) The filing of any material litigation against the licensee.

~~((g) A sale, transfer, or change of control of a licensed mortgage broker agency or business.)~~

(2) A licensee ~~((shall be required to))~~ must notify the director in writing ten days prior to a change of ~~((business))~~ the location of the licensee's principal place of business or any of its branch offices.

(3) A licensee must notify the director in writing within five days after a change in the licensee's:

(a) Name or legal status (e.g., from sole proprietor to corporation, etc.);

(b) Mailing address or telephone number;

(c) President, partner, designated broker, or branch office manager;

(d) Trust account (e.g., change in the status, location, or account number);

(e) State master business license; or

(f) Standing with the state of Washington secretary of state.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-160 License application denial or condition; license suspension or revocation. (1) The director may deny~~(,)~~ or condition approval of a license application, or suspend or ~~((condition))~~ revoke a license if the applicant or licensee, or any principal or designated broker of ~~((any corporate or partnership))~~ the applicant or licensee~~(, or the owner if the applicant is unincorporated)~~:

(a) Has ~~((not paid the required license fee))~~ failed to pay a fee due to the state in accordance with the Mortgage Broker Practices Act;

(b) Has not ~~((posted))~~ filed the required surety bond or approved alternative or otherwise complied with RCW 19.146.205;

(c) Has had any license ~~((issued under chapter 468, Laws of 1993))~~, or any authorization to do business under any similar statute of this or any other state, suspended, revoked, or restricted within the prior five years ~~((of the filing of the present application))~~;

(d) Has within the prior seven years been convicted of a felony ~~((within seven years of the filing of this application))~~, or a gross misdemeanor involving dishonesty or financial misconduct;

(e) Has failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of ~~((this chapter))~~ the Mortgage Broker Practices Act. The director may find that the person has failed to make the demonstration if, among other things:

(i) The person is or has been subject to an injunction issued pursuant to the Mortgage Broker Practices Act or the Consumer Protection Act; or

(ii) An independent credit report issued by a recognized credit reporting agency indicates that the person has a substantial history of unpaid debts;

(f) Has omitted, misrepresented, or concealed material facts in obtaining a ~~((mortgage brokers))~~ license or in obtaining reinstatement thereof;

(g) Has violated the provisions of the Mortgage Broker Practices Act~~((, the rules promulgated pursuant to that act))~~, or the Consumer Protection Act;

(h) Has had ~~((the))~~ its surety bond ~~((required for licensure))~~, approved alternative, or equivalent form of business insurance, canceled or revoked for cause;

(i) Has allowed the licensed mortgage ~~((brokerage))~~ broker business to deteriorate into a condition which would result in denial of a new application for a license;

(j) Has aided or abetted an unlicensed person to practice ~~((if a license is required))~~ in violation of the Mortgage Broker Practices Act;

(k) Has demonstrated incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(l) Is insolvent in the sense that the value of the applicant's or licensee's liabilities exceed ~~((their))~~ its assets or in the sense that the applicant or licensee cannot meet ~~((their))~~ its obligations as they mature;

(m) Has failed to comply with an order ~~((issued by))~~, directive, or requirement of the director, or his or her

designee, or with an assurance of discontinuance entered into with the director, or his or her designee;

(n) Has performed an act of misrepresentation or fraud in any aspect ~~((or))~~ of the conduct of the mortgage ~~((brokerage))~~ broker business or profession;

(o) Has failed to cooperate with the director, or his or her designee, including without limitation by:

(i) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary actions or denial, suspension, or revocation of a license ~~((under this chapter))~~; or

(ii) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director;

~~((iii))~~ Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; or

(p) Has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's ~~((authorized))~~ designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or ~~((authorized))~~ representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action;

(q) Has failed to provide a required certificate of passing an approved examination;

(r) Has failed to provide a required certificate of satisfactory completion of an approved licensing course or, in the alternative, satisfactory proof of two years' experience in accordance with WAC 50-60-040; or

(s) Has failed to provide a required certificate of satisfactory completion of an approved continuing education course.

(2) ~~((The director may deny, suspend or condition a license if the owner, if the applicant is a sole proprietorship; the general partner(s), if the applicant is a partnership; or the chief executive officer, if the applicant is a corporation; does not have the required two years of experience in the residential mortgage loan industry as defined in WAC 50-60-040.~~

(3) ~~The director may not issue a license if he or she finds that the applicant, or any person who is a director, officer or principal of the applicant, has within the previous seven years been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this rule, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty or no contest or nolo contendere or stipulated to facts sufficient to justify a finding of guilt to a charge thereof before a court or federal magistrate, or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such pleas of guilty, or such decision, judgment, or verdict, shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefore from the President of the United States or the governor or~~

~~other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the state board of pardons and paroles pursuant to the provisions of the executive law to remove the disability under this subsection because of such conviction.~~

~~(4) The director may find that a person has failed to demonstrate financial responsibility, character and general fitness such as to warrant a belief that the business will be operated honestly, fairly and efficiently within the purposes of chapter 468, Laws of 1993, whenever:~~

~~(a) The person is or has been subject to an injunction issued pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act, or rules promulgated thereunder, or chapter 19.86 RCW, the Consumer Protection Act;~~

~~(b) The person has had a license to engage in a similar business suspended or revoked within the previous seven years by any local, state or federal agency within the United States, and that license has not been reinstated without restriction;~~

~~(c) The person has had a surety bond or an equivalent form of business insurance canceled or revoked for cause in the previous two years;~~

~~(d) The person is a defendant in pending material litigation;~~

~~(e) The person's independent credit report issued by a recognized credit reporting agency indicates a substantial history of unpaid debts;~~

~~(f) The applicant is insolvent in the sense that the value of the applicant's liabilities exceed the value of their assets, or in the sense that the applicant cannot meet their obligations as they mature;~~

~~(g) The person has not demonstrated an acceptable level of knowledge of all laws and regulations applicable to the business of mortgage brokering through compliance with the experience and educational requirements set forth in WAC 50-60-040; or~~

~~(h) The applicant has violated the requirements of the Mortgage Brokers Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act.) The director may deny or condition approval of a branch office application, or suspend or revoke a branch office certificate, if the branch office manager has failed to provide any required items described in subsection (1)(r) and (s) of this section.~~

PART K FINES AND PENALTIES; PROHIBITED PRACTICES

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-165 (~~Violations—Penalties and~~) Fines and penalties for violation of the Mortgage Broker Practices Act. ~~((Every))~~ Each mortgage broker and ~~((their))~~ each of its principals, designated brokers, officers, employees, independent contractors, and agents shall comply with ~~((chapter 19.146 RCW and all rules and regulations issued thereunder. The))~~ the applicable provisions of the Mortgage Broker Practices Act. Each violation of any applicable provision of ~~((chapter 19.146 RCW, or any rule issued~~

~~thereunder))~~ the Mortgage Broker Practices Act, or of any order, directive, or requirement of the director ~~((shall))~~ may, at the discretion of the director, subject the violator to a fine of ~~(((\$100))~~ up to one hundred dollars for each offense. Each day's continuance of the violation ~~((shall be))~~ is a separate and distinct offense. In addition, the director in his or her discretion may by order assess other penalties for a violation of the Mortgage Broker Practices Act.

NEW SECTION

WAC 50-60-190 Prohibited practices—Improperly influencing appraisals. Any threat, whether oral or written, direct or implied, by a mortgage broker to withhold payment of the standard appraiser's fee constitutes the making of a payment for the purpose of influencing the independent judgment of the appraiser with respect to the value of the property, in violation of RCW 19.146.0201(9). The prior sentence does not apply if the appraiser has been notified in writing by the mortgage broker that a bona fide dispute exists regarding the performance or quality of the appraiser's work.

PART L MORTGAGE BROKER FEES

NEW SECTION

WAC 50-60-200 Mortgage broker fees allowed. (1) Except as otherwise permitted in this section, a mortgage broker may not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless the borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and the mortgage broker.

(2) A mortgage broker may:

(a) Charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of documents in the borrower's file which were prepared for, or paid for by, the borrower if:

(i) The borrower fails to close on a loan through no fault of the mortgage broker;

(ii) The fee is not otherwise prohibited by the Truth in Lending Act; and

(iii) The mortgage broker has obtained a "written loan commitment from a lender on the same terms and conditions agreed upon by the borrower and the mortgage broker." This term is defined in subsection (3) of this section; and

(b) Solicit or accept fees in advance to pay third-party providers if:

(i) The mortgage broker identifies to the borrower in writing prior to the acceptance of any fees the third-party provider goods and services for which fees are being collected;

(ii) Such fees are deposited in a trust account as required by the Mortgage Broker Practices Act;

(iii) The mortgage broker does not charge more for the third-party provider's goods and services than the actual costs of the goods and services charged by the provider; and

(iv) The mortgage broker refunds any fees collected for goods or services not provided.

(3) For purposes of this section, a "written loan commitment from a lender on the same terms and conditions agreed upon by the borrower and mortgage broker" means:

- (a) A legally binding commitment;
- (b) From a lender with which the mortgage broker maintains a written correspondent or loan brokerage agreement as required by RCW 19.146.040(2);
- (c) To fund the loan on substantially the same terms and conditions set forth in the most recent good faith estimate signed by both the borrower and the mortgage broker.

PART M

MORTGAGE BROKERAGE COMMISSION

NEW SECTION

WAC 50-60-210 Mortgage brokerage commission.

The mortgage brokerage commission, created by RCW 19.146.280 and appointed by the director, shall:

- (1) Adopt and meet according to a regular schedule, unless otherwise called by the chairperson;
- (2) Meet, hear testimony, and advise the director on proposed changes to the Mortgage Broker Practices Act;
- (3) Advise the director on approval of proposed courses of study and examinations to be administered in the course of licensing mortgage brokers;
- (4) Advise the director on preparation of the department's legislatively mandated review of the number and type of consumer complaints arising from residential mortgage lending in the state, and any resulting recommendations for changes in the licensing requirements of the Mortgage Broker Practices Act; and
- (5) Advise the director on departmental policy and procedures regarding enforcement actions resulting from violations of the Mortgage Broker Practices Act.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 50-60-180 Licensing of independent contractors to conduct mortgage brokering.

WSR 95-13-094
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed June 21, 1995, 9:13 a.m.]

Date of Adoption: March 8, 1995.

Purpose: The changes made to chapter 246-249 WAC reflect current state policy for the disposal of radioactive waste.

Citation of Existing Rules Affected by this Order: Amending WAC 246-249-020 and 246-249-080.

Statutory Authority for Adoption: Chapter 70.98 RCW. Pursuant to notice filed as WSR 95-04-100 on February 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: The permanent rule, WAC 246-249-080, was changed to have no annual disposal limits for discrete sealed sources and accelerator produced radioactive materials

excluding decommissioning waste at the commercial disposal site.

Effective Date of Rule: Thirty-one days after filing.
 May [June] 20, 1995
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

WAC 246-249-020 Site use permit. (1) Each generator and each broker of (~~low-level~~) radioactive waste shall possess a valid and unencumbered site use permit prior to the shipment of such waste to, or the disposal of such waste at any commercial disposal facility in the state of Washington and shall have complied with the permit requirements of the department of ecology.

(2) Suspension or revocation of permit.

(a) The failure of one or more packages in a shipment of waste to be in compliance with one or more of the requirements of the license issued to the commercial low-level radioactive waste disposal site operator, Title 246 WAC, the United States Nuclear Regulatory Commission, the United States Department of Transportation, or conditions of the disposal site operator's radioactive materials license may cause the suspension of the site use permit of the responsible generator and/or broker.

(b) The site use permit of a generator and/or broker may be suspended or revoked if any other licensed commercial low-level radioactive waste disposal site in the United States has refused to accept waste from that generator or broker.

(c) A suspended site use permit may be reinstated provided:

(i) The generator and/or broker submits a quality assurance procedure designed to correct previous problems and to achieve and maintain compliance with all applicable requirements; and

(ii) A point-of-origin inspection by the state of Washington, of the generator's and/or broker's waste management activities, indicates compliance with all applicable requirements and regulations.

(3) Brokered shipments.

(a) It is the broker's responsibility to assure that a generator of waste has a valid unencumbered site use permit prior to shipment of waste for disposal.

(b) A broker, as consignor, assumes coresponsibility with a generator for all aspects of that generator's waste until it can be documented to the department's satisfaction that the broker's sphere of responsibility was limited.

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

WAC 246-249-080 (~~Large volumes of~~) Naturally occurring and accelerator produced radioactive material (NARM), excluding source material. (1) In addition to requirements for a disposal site use permit contained in WAC 246-249-020, (~~permittees and~~) single generators of radioactive wastes shall obtain the specific approval of the department prior to offering naturally occurring or accelerator produced radioactive material, wastes for disposal (~~which: (a) Contain naturally occurring radioactive material, excluding source material, (b) contain an average total~~)

PERMANENT

concentration less than, or equal to, 0.002 microcuries per gram, and (e) total in excess of 1,000 cubic feet per year)).

(2) Applications for specific departmental approval shall describe:

(a) The chemical processes which produce or have produced the waste((:));

(b) ~~The volume of waste to be disposed ((per year, (e) an estimate of how long the permittee's disposal needs will continue, (d) actions which have been taken or are planned which could decrease the volume of the waste, and (e) alternative methods of disposal which have been considered by the permittee)); and~~

(c) The radionuclides in the waste.

(3) A request for specific approval may be approved if the department finds the material to be:

(a) ~~((Consistent with disposal site volume utilization, (b)))~~ In conformance with conditions of all licenses and permits issued to the disposal site operator((, (e) more appropriately disposed at Hanford than by alternative means consistent with the concepts contained in P.L. 99-240 Low Level Radioactive Waste Policy Amendments Act of 1985, and (d)); and

(b) Consistent with protection of the public health, safety and environment.

(4) Naturally occurring and accelerator produced radioactive material, excluding source material, shall be limited to a total site volume of no more than eight thousand six hundred cubic feet per calendar year, and individual generators shall be limited to an annual total volume of one thousand cubic feet per calendar year, provided that there shall be no annual site limit or individual generator volume limit for:

(a) Accelerator produced radioactive material excluding decommissioning waste; and

(b) Discrete sealed sources. For purposes of this section, sealed sources means any device containing naturally occurring radioactive material or accelerator produced radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

(5) Emergency provision. If the annual total site volume limit or an individual generator's annual total volume limit has been met, and an emergency situation occurs, single generators of NARM may seek emergency approval from the secretary to dispose of NARM excluding source materials in excess of volume limitations. The secretary may approve emergency disposal if he or she finds that an emergency exists based upon the circumstances described by the applicant, the real or potential impact on the public health and safety as determined by the department and that approval of such additional disposal is consistent with protecting the public health and safety of the citizens of the state of Washington.

(6) The department shall review subsection (4)(a) and (b) of this section, every five years, beginning five years from the effective date of this regulation, to determine if volume limits should be set.

(7) Denial by the department of a request for specific approval shall not be interpreted as an approval to dispose of naturally occurring or accelerator produced radioactive material without regard to its radioactivity.

**WSR 95-13-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-73—Filed June 14, 1995, 3:06 p.m., effective June 16, 1995]

Date of Adoption: June 13, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-12400B; and amending WAC 220-56-124.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A hatchery release of pink salmon in 1993 will provide unique fishing opportunity for approximately 5,000 fish. This fishery was uncertain until state-tribal agreement that no commercial fishery will occur. All other salmon must be released to protect broodstock chinook salmon.

Effective Date of Rule: June 16, 1995.

June 13, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-12400B Hoodspport hatchery zone - Pink salmon fishery. Notwithstanding the provisions of WAC 220-56-124, effective June 16 through July 31, 1995, it is unlawful to fish for or possess salmon taken from the waters of the Hoodspport Hatchery special fishery area as defined in WAC 220-56-124 except as provided for in this section.

June 16 through July 31, daily from 6:00 a.m. to 10:00 p.m. only - Special daily limit of 4 pink salmon. All other salmon must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective 10:00 p.m. July 31, 1995:

WAC 220-56-12400B Hoodspport hatchery zone - Pink salmon fishery. (95-73)

**WSR 95-13-045
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 631—Filed June 15, 1995, 11:38 a.m.]

Date of Adoption: June 15, 1995.

Purpose: Establish regions of extra fire hazard which are closed to entry due to the condition of the forest slash.

Statutory Authority for Adoption: RCW 76.04.305.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Certain areas of the state are particularly exposed to fire danger due to the continuous acres of slash. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

Effective Date of Rule: Immediately.

June 14, 1995
Kaleen Cottingham
Department Supervisor

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Jennifer M. Belcher, Commissioner

NOTICE OF DECLARATION OF AREAS OF
EXTREME FIRE HAZARD

NEW SECTION

WAC 332-26-040 Central region closures. Lewis County: Township 14 North, Range 3 East: all Section 23; all Section 25; all Section 27; all Section 35. Township 14 North, Range 5 East: all Section 18; all Section 19. Township 14 North, Range 5 East: W1/2 & SW1/4SE1/4 Section 20; W1/2 & W1/2E1/2 Section 29.

Grays Harbor County: Township 21 North Range 7 West: pt. E1/2E1/2 lying east of 6875 Road Section 24; pt. N1/2SW1/4, S1/2NW1/4, pt. E1/2 lying west of 6875 Road Section 25; NE1/4NE1/4SE1/4 Section 26.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the region, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight Thursday, June 15, 1995, to midnight Sunday, October 15, 1995.

EMERGENCY

JENNIFER M. BELCHER
Commissioner of Public Lands

NEW SECTION**WAC 332-26-050 Northwest region closures.**

WHATCOM COUNTY: Township 40 North, Range 6 East: Section 35 S1/2 NE1/4, N1/2 SE1/4; Section 36 S1/2 less NE1/4 SE1/4. Township 39 North, Range 7 East: Section 17 W1/2, SE1/4; Section 18 NW1/4, N1/2 SW1/4, SE1/4; Section 20 E1/2 NE1/4, E1/2 SW1/4 NE1/4. Township 39 North, Range 6 East: Section 1 N1/2 NW1/4, SE1/4 NE1/4; Section 13 S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 NW1/4.

SKAGIT COUNTY: Township 37 North, Range 6 East: Section 27 SW1/4; Section 28 S1/2 SE1/4; Township 36 North, Range 9 East: Section 18 E1/2, SE1/4 NW1/4, N1/2 SW1/2; Section 19 N1/2 NE1/4, SE1/4 NE1/4; Section 30 all except NE1/4, except E1/2 E1/2 NW1/4; Section 31 NW1/4, NW1/4 NE1/4, N1/2 SW1/4; Township 36 North, Range 7 East: Section 36 PARTS OF S1/2 SE1/4; Township 35 North, Range 11 East: Section 11 N1/2 N of Cascade River RD.; Section 14 all; Section 15 N1/2 N of Cascade River RD, S1/2 S of Cascade River Park; Section 17 S1/2; Section 18 S1/2 SE1/4, W1/2 SW1/4; Section 19 all; Section 20 NE1/4; Section 21 N1/2, N1/2 S1/2; Section 22 N1/2 NE1/4, NW1/4, N1/2 SW1/4. Township 35 North, Range 10 East: Section 13 E1/2 SE1/4; Section 24 NE1/4. Township 35 North, Range 7 East: Section 1 NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, N1/2 SE1/4; Township 35 North, Range 8 East: Section 6 SW1/4 NW1/4, SW1/4; Township 33 North, Range 4 East: Section 10 all except N1/2 N1/2, W1/2 W1/2; Section 11 all except NW1/4 & portions around Devil's LK.; Section 13 ALL; Section 14 except S1/2 NW1/4, NE1/4 SW1/4, W1/2 SE1/4; Section 15 SE1/4, N1/2 N1/2; Section 22 NE1/4; Section 23 except S1/2 SW1/4, S1/2 SW1/4 SE1/4; Section 24 N1/2, SW1/4 EXCEPT SE1/4. Township 33 North, Range 5 East Section 19 NW1/4, SW1/4 NE1/4. Township 33 North, Range 6 East: Section 31 SE1/4, SW1/4 NE1/4, W1/2 SE1/4 NE1/4, E1/2 SW1/4.

SNOHOMISH COUNTY: Township 32 North, Range 9 East: Section 3 SW1/4 SW1/4, NW1/4 SW1/4; Section 9 NE1/4 NE1/4; Section 10 NW1/4 NW1/4. Township 32 North, Range 7 East: Section 5 N1/2 SW1/4.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the Region and to radio and television stations serving the Region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry protection of the area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violation any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight Thursday, June 15, 1995, to midnight Sunday, October 15, 1995.

JENNIFER M. BELCHER
Commissioner of Public Lands

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

NEW SECTION

WAC 332-26-060 South Puget Sound closures. King County: Township 20 North, Range 8 East: E1/2, SE1/4, Section 10; All of Section 11; Part of the NE1/4, Part of the NW1/4, All of the SW1/4, Part of the SE1/4, Section 12; All Section 13; All Section 14; NE1/4, Section 22; All Section 23 and 24. Township 20 North, Range 10 East: All Section 31, All Section 33. Township 19 North, Range 11 East: All Section 19; All Section 21. Township 19 North, Range 10 East: All Section 1; All Section 7; All Section 9; All Section 11; All Section 13; All Section 15; All Section 17; N1/2, Section 19; N1/4, Section 21; N1/2, Section 23. Township 19 North, Range 9 East: All Section 1; All Section 12; Part Section 13.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the region and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight, Thursday June 15, 1995 to midnight, Sunday October 15, 1995.

JENNIFER M. BELCHER
Commissioner of Public Lands

WSR 95-13-053
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed June 15, 1995, 4:38 p.m.]

Purpose: To update curriculum, training and certification process of intermediate and advanced life support emergency medical prehospital personnel.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-010.

Statutory Authority for Adoption: RCW 18.71.205 as amended by SHB 1127.

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: SHB 1427 deleted the definitions for emergency medical intermediate and advanced life support personnel in statute. These rules which move the definitions from statute to WAC, are necessary to allow currently certified personnel to operate.

Effective Date of Rule: Immediately.

May 14, 1995

Bruce A. Miyahara

Secretary

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-010 Definitions. Unless a different meaning is plainly required by the context, the following words and phrases used in this chapter shall have the meanings indicated:

"ACLS" means advanced cardiac life support, a course developed by the American Heart Association.

"Activation of the trauma system" means a process whereby a prehospital provider identifies the major trauma patient by using the prehospital trauma triage procedures, and notifies from the field both dispatch and medical control, who mobilize resources to care for the patient in accordance with regional patient care procedures.

"Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined in chapter 18.71 RCW.

"Agency response time" means the time from agency notification to arrival on the scene. It is the same as the combination of activation and enroute times defined under system response times in this section.

"Aid service" means an agency, public or private, that operates one or more aid vehicles.

"Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

"Air ambulance" means a fixed or rotary-winged aircraft that is configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive life-saving care without interfering with the performance of the flight crew, and has been inspected and licensed by the department as an air ambulance.

"Airway technician" means a person certified to provide mobile airway management as defined in ((RCW 18.71.200(2))) this chapter.

"Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

"Ambulance service" means an agency, public or private, that operates one or more ground or air ambulances.

"Approved" means approved by the department of health.

"ATLS" means advanced trauma life support, a course developed by the American College of Surgeons.

"Attending surgeon" means a physician who is board-certified or board-eligible in general surgery, and who has surgical privileges delineated by the facility's medical staff. The attending surgeon is responsible for care of the trauma patient, participates in all major therapeutic decisions, and is present during operative procedures.

"Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

"BP" means blood pressure.

"Certification" means recognition by the department of the competence of an individual who has met predetermined qualifications, and the authorization of the individual to perform certain procedures for which they have been trained or are otherwise qualified.

"CME" means continuing medical education.

"Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an EMS/TC system.

"Consumer" means an individual who is not associated with the EMS/TC system, either for pay or as a volunteer, except for service on the steering committee, licensing and certification committee, or regional or local EMS/TC councils.

"Continuing medical education (CME)" means ongoing education after initial certification for the purpose of maintaining and enhancing skill and knowledge.

"Council" means the local or regional EMS/TC council as authorized under chapter 70.168 RCW.

"Course coordinator" means an individual who has overall administrative responsibility for coordinating an EMS/TC course or program of continuing education.

"CPR" means cardiopulmonary resuscitation.

"Department" means the department of health.

"Designated trauma care service" means a level I, II, III, IV, or V trauma care service, or level I, II, or III pediatric trauma care service, or level I, I-pediatric, II, or III trauma-related rehabilitative service.

"Designation" means a formal determination by the department that a hospital or health care facility is capable of providing designated trauma care services as authorized in RCW 70.168.070.

"Dispatch" means to designate and direct an emergency response unit to a service location.

"E-code" means external cause code, an etiology included in the International Classification of Diseases (ICD).

"ED" means emergency department.

"Emergency medical dispatch (EMD)" means provision of special procedures and trained personnel to ensure the efficient handling of medical emergencies and dispatch of aid. It includes prearrival instructions for CPR and other verbal aid to callers.

"Emergency medical service (EMS)" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical services and trauma care (EMS/TC) planning and services regions" means geographic areas established by the department in accordance with RCW 70.168.110.

"Emergency medical services and trauma care (EMS/TC) system" means an organized approach to providing personnel, facilities, and equipment for effective and coordinated medical treatment of patients with a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability. The emergency medical service and trauma care system includes prevention activities, prehospital care, hospital care, and rehabilitation. The components of an EMS and trauma care system include:

- Provision of manpower;
- Training of personnel;
- Communications;
- Transportation;
- Facilities;
- Critical care units;
- Use of public safety agencies;
- Use of private agencies;
- Consumer participation;
- Accessibility to care;
- Transfer of patients;
- Standard medical recordkeeping and reporting;
- Consumer information and education;
- Independent review and evaluation, including formal quality assurance programs;
- Disaster linkage; and
- Mutual aid agreements.

"Emergency medical services and trauma care system plan (EMS/TC plan)" means a plan that identifies state-wide EMS/TC objectives and priorities and identifies equipment, facility, personnel, training, and other needs required to create and maintain a state-wide EMS/TC.

"Emergency medical technician (EMT)" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

"EMS/TC" means emergency medical services and trauma care.

"EMT" means emergency medical technician.

"Facility patient care protocols" means the written procedures adopted by the medical staff that direct the care of the patient. These procedures shall be based upon the assessment of the patient's medical needs. The procedures shall follow minimum state-wide standards for trauma care service.

"First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

"HIV/AIDS" means human immunodeficiency virus/acquired immunodeficiency syndrome.

"Hospital" means a facility licensed under chapter 70.41 RCW, or comparable health care facility operated by the federal government or located and licensed in another state.

"Hospital trauma service" means a service designed by the hospital within state guidelines for the treatment of trauma patients, including a formal commitment by the hospital and medical staff to an organized trauma care system and to participation in the regional/state system.

"ICD" means the international classification of diseases, a coding system developed by the World Health Organization.

"ICU" means intensive care unit.

"Indicator" means a quality improvement tool or performance measure used to monitor the quality of important governance, management, clinical, and support processes and outcomes.

"Indicator monitoring system" means a method in which indicators are used to monitor important processes or outcomes of care or service, and indicator data are used to evaluate that care.

"Injury prevention" means any combination of educational, legislative, enforcement, engineering and emergency response initiatives used to reduce the number and severity of injuries.

"Intermediate life support technician" means a person certified to provide levels of intermediate support skills as defined in this chapter.

"IV technician" means a person certified to provide mobile intravenous therapy as defined in ((RCW 18.71.200(1))) this chapter.

"L&C" means licensing and certification.

"Legend drug" means any drug which is required by state law or regulation by the state board of pharmacy to be dispensed on prescription only, or is restricted to use by practitioners only.

"Level I pediatric rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I pediatric rehabilitative services provide the same services as facilities authorized to provide level I rehabilitative services, except these services are exclusively for children under the age of fifteen years.

"Level I pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall provide definitive, comprehensive, specialized care for pediatric trauma patients and shall also provide ongoing research and health care professional education in pediatric trauma care.

"Level II pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall provide initial stabilization and evaluation of pediatric trauma patients and provide comprehensive general medical and surgical care to pediatric patients who can be maintained in a stable or improving condition without the specialized care available in the level I hospital. Complex surgeries and research and health care professional education in pediatric trauma care activities are not required.

"Level III pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level III services shall provide initial evaluation and stabilization of patients. The

range of pediatric trauma care services provided in level III hospitals is not as comprehensive as level I and II hospitals.

"Level I rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I rehabilitative services provide rehabilitative treatment to patients with traumatic brain injuries, spinal cord injuries, complicated amputations, and other diagnoses resulting in functional impairment, with moderate to severe impairment or complexity. These facilities serve as referral facilities for facilities authorized to provide level II and III rehabilitative services.

"Level II rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level II rehabilitative services treat individuals with musculoskeletal trauma, peripheral nerve lesions, lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area, with moderate to severe impairment or complexity.

"Level III rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level III rehabilitative services provide treatment to individuals with musculoskeletal injuries, peripheral nerve injuries, uncomplicated lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area but with minimal to moderate impairment or complexity.

"Level I trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall have specialized trauma care teams and provide ongoing research and health care professional education in trauma care.

"Level II trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall be similar to those provided by level I hospitals, although complex surgeries and research and health care professional education activities are not required to be provided. This does not exclude education or training of prehospital providers.

"Level III trauma care services" means trauma care services as defined by RCW 70.168.015. The range of trauma care services provided by level III hospitals are not as comprehensive as level I and II hospitals.

"Level IV trauma care services" means trauma care services as defined by RCW 70.168.015.

"Level V trauma care services" means trauma care services as defined by RCW 70.168.015. Facilities providing level V services shall provide stabilization and transfer of all patients with potentially life-threatening injuries.

"Licensing and certification committee (L&C committee)" means the emergency medical services licensing and certification advisory committee created by RCW 18.73.040.

"Local council" means a local EMS/TC council authorized by RCW 70.168.120(1).

"Local medical community" means the organized local medical society existing in a county or counties; or in the absence of an organized medical society, majority physician consensus in the county or counties.

"Medical control" means MPD authority to direct the medical care provided by all certified EMS personnel involved in patient care in the prehospital EMS system.

"Medical control agreement" means a written agreement between two or more MPDs, consistent with regional plans,

to assure continuity of patient care between counties, and to facilitate assistance.

"Medical program director (MPD)" means an approved emergency medical services medical program director as defined by RCW 18.71.205(4).

"MPD" means medical program director.

"Name code" means the first four letters of the last name, followed by the first and middle initials.

"National uniform data set" means a coding system which describes the functional abilities and disabilities of the disabled person, published by the State University of New York, Buffalo, NY.

"Ongoing training and evaluation" means a course of education as authorized in RCW 18.73.081 (3)(b).

"PALS" means pediatric advanced life support, a course developed by the American Heart Association.

"Paramedic" means a person certified to provide mobile intensive care paramedic services as defined in RCW 18.71.200(3).

"Patient care procedures" means written operating guidelines adopted by the regional EMS/TC council, in consultation with local EMS/TC councils, emergency communications centers and the MPDs, in accordance with state-wide minimum standards. The patient care procedures identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

"Pediatric trauma patient" means trauma patients known or estimated to be less than fifteen years of age.

"Physician" means an individual licensed under the provisions of chapter 18.71 RCW, Physicians, or under the provisions of chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

"Practical examination" means a test which is conducted in the initial course, or a test or series of evaluations during a recertification period, wherein the competency of a person is determined on each of the practical skills specified by the department.

"Prehospital" means emergency medical care or transportation rendered to patients prior to hospital admission or during interfacility transfer by licensed ambulance or aid service under chapter 18.73 RCW, by personnel certified to provide emergency medical care under chapters 18.71 and 18.73 RCW, or by facilities providing level V trauma care services as provided for in chapter 18.71 RCW.

"Prehospital agencies" means both public and private providers of prehospital care or interfacility transport.

"Prehospital index" means a scoring system for hospital trauma team activation, incorporating assessment of systolic blood pressure, pulse, respiratory status, and level of consciousness, as described in "Prehospital Index: A scoring system for field triage of trauma victims," Koehler, John J., M.D. et al. *Annals of Emergency Medicine* 1986; 15:178-182.

"Prehospital patient care protocols" means the written procedures adopted by the MPD which direct the out-of-

hospital emergency care of the emergency patient which includes the trauma care patient.

"Prehospital trauma care services" means both public and private agencies that are verified to provide prehospital trauma care.

"Public education" means the use of preventive measures, involving the education of the population at large, targeted groups or individuals, and efforts to alter specific injury-related behaviors.

"Quality assurance (QA)" means an organized method of auditing and evaluating care provided within EMS/TC systems.

"Reciprocity" means the process by which an individual certified in another state, or certified by the University of Washington's school of medicine as authorized by RCW 18.71.200, is certified by the department.

"Region" means a geographic area used for EMS/TC planning, designated by the department in accordance with RCW 70.168.110.

"Regional council" means the regional EMS/TC council established by RCW 70.168.100.

"Regional plan" means the approved plan that identifies region-wide EMS/TC objectives and prioritizes and identifies equipment, facilities, personnel, training, and other needs required to create and maintain a region-wide EMS/TC system. The plan includes a strategy of implementation that identifies regional and local activities to create, operate, maintain, and enhance the system.

"Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW.

"Rehabilitative services" means a formal program of multidisciplinary, coordinated, and integrated services for evaluation, treatment, education, and training to help individuals with disabling impairments achieve and maintain optimal functional independence in physical, psychosocial, social, vocational, and avocational realms.

"Reinstatement" means the process by which an individual whose EMS certification has expired can be recertified.

"Response area" means a service coverage zone identified in an approved regional plan.

"Rural" means unincorporated or incorporated areas with total populations less than ten thousand people, or with a population density of less than one thousand people per square mile.

"Senior EMT instructor" means an individual approved to be responsible for the quality of instruction of an initial EMS training course.

"Specialized training" means approved training of certified EMS personnel to use a skill, technique, or equipment that is not included in the standard course curriculum.

"State trauma registry" means data collected for examining the entire spectrum of trauma patients and their care, regardless of injury, hospital, or outcome.

"Steering committee" means the EMS/TC steering committee created by RCW 70.168.020.

"Suburban" means an incorporated or unincorporated area with a population of ten thousand to twenty-nine thousand nine hundred ninety nine or any area with a population density of one thousand to two thousand people per square mile.

"System response time" for trauma means the time from an injury until the patient arrives at a designated trauma facility. It includes:

"System access time": The time from discovery to call received;

"911 time": The time it takes the call answerer to: Process the call, including citizen interview; and Give the information to the dispatcher;

"Dispatch time": The time from call received by the dispatcher to the time the agency is notified;

"Activation time": The time from agency notification to start of response;

"Enroute time": The time from the end of activation time to the beginning of on-scene time;

"On scene time": The time the unit is on the scene with the patient. This includes extrication, resuscitation, treatment, and loading;

"Transport time": The time from leaving the scene to arrival at a health care facility;

"Training agency" means an organization or individual, which may include local or regional EMS/TC councils, that is approved to train EMS personnel for initial certification.

"Training physician" means a physician delegated by the MPD and approved by the department to be responsible for specified aspects of training of EMS personnel.

"Trauma" means a major single or multisystem injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.

"Trauma care system" means an organized approach to providing care to trauma patients that provides personnel, equipment, and facilities for effective and coordinated trauma care. The trauma care system includes: Prevention, prehospital care, triage of trauma victims from the scene to designated trauma services, facilities with specific capabilities to provide trauma care, acute hospital care, and rehabilitation services.

"Trauma rehabilitation coordinator" means a person designated to facilitate early rehabilitation interventions and the trauma patient's access to a designated rehabilitation center.

"Trauma surgeon" means a physician who is board certified or board eligible in general surgery, and who has trauma surgery privileges delineated by the facility's medical staff.

"Triage" means the sorting of patients in terms of disposition, destination, or priority. Triage of prehospital trauma victims requires identifying injury severity so that the appropriate care level can be readily assessed according to patient care guidelines.

"Unit of learning" means a method of meeting the CME requirements of this chapter, which includes:

Approved learning objectives that reflect a complete patient care approach and to a topic or group of related topics; and

Measures a student's comprehension of the subject matter by written testing and demonstration of skills.

"Urban" means:

An incorporated area over thirty thousand; or

An incorporated or unincorporated area of at least ten thousand people and a population density over two thousand people per square mile.

"Verification" means the identification of prehospital providers capable of providing verified trauma care services, and is part of the licensure process described in chapter 18.73 RCW.

"Verified trauma care service" means prehospital services as provided for in RCW 70.168.080, and identified in the regional EMS/TC plan as required by RCW 70.168.100, whose capabilities have been verified by the department.

"Wilderness" means any rural area not readily accessible by public or private maintained road.

NEW SECTION

WAC 246-976-045 Levels of intermediate life support personnel and advanced life support paramedics.

(1) Airways technician means a person trained under the supervision of an approved medical program director and certified to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician.

(2) IV technician means a person trained under the supervision of an approved medical program director and certified to administer intravenous solutions under written or oral authorization of an approved licensed physician.

(3) Intermediate life support technician means a person trained under the supervision of a medical program director and certified to provide levels of intermediate support skills as defined in this chapter.

(4) Paramedic means a person trained under the supervision of an approved medical program director and certified to:

- (a) Carry out all phases of advanced cardiac life support;
- (b) Administer drugs under written or oral authorization of an approved licensed physician;
- (c) Administer intravenous solutions under written or oral authorization of an approved licensed physician; and
- (d) Perform endotracheal airway management and other authorized aids to ventilation.

These personnel shall meet requirements of RCW 18.71.200 and this chapter.

NEW SECTION

WAC 246-976-165 Levels of certified intermediate life support personnel and paramedics.

(1) Airway technician means a person trained under the supervision of an approved medical program director and certified to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician.

(2) IV technician means a person trained under the supervision of an approved medical program director and certified to administer intravenous solutions under written or oral authorization of an approved licensed physician.

(3) Intermediate life support technician means a person trained under the supervision of a medical program director and certified to provide levels of intermediate support skills as defined in this chapter.

(4) Paramedic means a person trained under the supervision of an approved medical program director and certified to:

- (a) Carry out all phases of advanced cardiac life support;
- (b) Administer drugs under written or oral authorization of an approved licensed physician;
- (c) Administer intravenous solutions under written or oral authorization of an approved licensed physician; and
- (d) Perform endotracheal airway management and other authorized aids to ventilation.

These personnel shall meet requirements of RCW 18.71.200 and this chapter.

**WSR 95-13-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-74—Filed June 16, 1995, 4:45 p.m.]

Date of Adoption: June 16, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-03000I; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are adequate numbers of razor clams available to allow a limited commercial harvest in an area which is not readily available to the recreational digger.

Effective Date of Rule: Immediately.

June 16, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-03000I Razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to fish for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters and beaches of Razor Clam Area Number One lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and northerly of a line of boundary markers consisting of posts and flagging near the northern tip of Leadbetter Point, are open from 12:01 a.m. June 24, 1995 through 11:59 p.m. July 31, 1995.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 31, 1995:

WAC 220-52-03000I Razor clams. (95-74)

EMERGENCY

WSR 95-13-092
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed June 21, 1995, 9:06 a.m.]

Date of Adoption: June 14, 1995.

Purpose: To coordinate with temporary-worker housing rules adopted by the Board of Health to implement ESSB 5503.

Citation of Existing Rules Affected by this Order: Amending WAC 246-358-025 and 246-358-030.

Statutory Authority for Adoption: RCW 43.70.340.

Other Authority: RCW 43.70.040.

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: ESSB 5503 requires the State Board of Health to repeal or modify rules within sixty days of the bill's effective date. The department must also adopt emergency rules to maintain consistency with the board rules.

Effective Date of Rule: Immediately.

May [June] 16, 1995

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 324, filed 1/12/93, effective 2/12/93)

WAC 246-358-025 Operating license. (1) An operator shall ~~((have an operating license before allowing the use of housing except as specified in subsection (3) of this section))~~ notify the department or contracted health officer to request licensure when:

(a) Housing consists of:

(i) Five or more dwelling units;

(ii) Any combination of dwelling units, or spaces that house ten or more occupants; or

(b) Compliance with MSPA requires licensure.

(2) An operator shall apply for an operating license at least forty-five days prior to either the use of housing or the expiration of an existing operating license by submitting to the department or contracted health officer:

(a) A completed application on a form provided by the department or contracted health officer;

(b) Proof of satisfactory results of a bacteriological water quality test as required by WAC 246-358-055(2), or proof housing is connected to a community water system; and

(c) A fee as specified in WAC 246-358-990.

(3) An operator may allow the use of housing without a permit when all of the following conditions exist:

(a) The operator applied for an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;

(b) The department or contracted health officer has not inspected the housing or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and

(d) The operator provides and maintains housing in compliance with this chapter.

(4) An operator shall:

(a) Post the operating license in a place readily accessible to workers;

(b) Notify the department or contracted health officer in the event of a transfer of ownership; and

(c) Cooperate with the department or contracted health officer during on-site inspections.

(5) An operator may appeal decisions of the department in accordance with chapter 34.05 RCW and chapter 246-08 WAC.

AMENDATORY SECTION (Amending Order 324, filed 1/12/93, effective 2/12/93)

WAC 246-358-030 Department authority. (1) The department may establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing operating licenses, and enforcing this chapter.

(2) The department or contracted health officer shall issue an operating license when the department or contracted health officer determines the operator has met the minimum requirements in this chapter.

(3) The department or contracted health officer shall specify on the operating license the:

(a) Operator's name;

(b) Number of approved units;

(c) Maximum ~~((occupancies approved for operator-supplied, basic worker-supplied, and fully self-contained worker-supplied housing))~~ occupancy; and

(d) Expiration date ~~((which shall be one calendar year from the date of issuance)).~~

(4) The department or contracted health officer shall determine the maximum occupancy for:

(a) Operator-supplied housing based on the square footage and the number of bathing, foodhandling, handwashing, laundry, and toilet facilities;

(b) ~~((Basic))~~ Worker-supplied housing based on:

(i) The number of spaces designated by the operator ~~((for basic worker-supplied housing));~~ and

(ii) The number of bathing, foodhandling, handwashing, laundry, and toilet facilities, in excess of those facilities required for operator-supplied housing ~~((and~~

~~((e) Fully self-contained worker-supplied housing based on the number of spaces:~~

~~((i) Designated by the operator for fully self-contained worker-supplied housing; and~~

~~((ii) Meeting the requirements in WAC 246-358-085(2))).~~

(5) The department or contracted health officer may issue a provisional operating license when housing fails to meet the standards in this chapter when:

(a) The operator agrees to comply with a written corrective action plan and compliance schedule; or

(b) An exemption request by the operator is pending action by the board.

(6) The department or contracted health officer shall survey each housing site to ensure standards of this chapter are met, including inspection:

(a) Before issuing an annual operating license;

(b) Upon request of an operator or occupant; and

(c) At least once each year or as determined by the department or contracted health officer.

(7) The department or contracted health officer shall respond to complaints.

(8) The department or contracted health officer shall take appropriate enforcement action which may include any one or combination of the following:

(a) Develop, with the operator, a corrective action plan including a compliance schedule;

(b) Notify the operator concerning violations;

(c) Suspend or revoke the operating license; or

(d) Other action deemed necessary to bring housing into compliance with this chapter.

(9) The department shall confer with local health, fire, safety, and building agencies to understand each party's responsibilities for housing complaints, on-site sewage, drinking water, solid waste, food service, and other related environmental health issues.

WSR 95-13-093
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Board of Health)

[Filed June 21, 1995, 9:10 a.m.]

Date of Adoption: June 14, 1995.

Purpose: To implement ESSB 5503, which requires the board to review and repeal or modify rules that exceed the standards developed under chapter 49.17 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-358-105 and 246-358-115; and amending WAC 246-358-001, 246-358-010, 246-358-020, 246-358-045, 246-358-055, 246-358-065, 246-358-075, 246-358-085, 246-358-095, 246-358-125, 246-358-135, 246-358-140, 246-358-145, 246-358-155, and 246-358-175.

Statutory Authority for Adoption: RCW 70.54.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ESSB [5503] requires the State Board of Health to repeal or modify rules within sixty days of the bill's effective date. Due to timelines set in chapter 34.05 RCW for permanent rule adoption, the board is using an emergency adoption while proceeding with the permanent rule adoption process.

Effective Date of Rule: Immediately.

June 19, 1995
Sylvia I. Beck
Executive Director
State Board of Health

AMENDATORY SECTION (Amending Order 365B, filed 5/25/93, effective 6/25/93)

WAC 246-358-001 Purpose and scope. (1) This chapter contains:

(a) Minimum health and sanitation requirements for temporary-worker housing adopted by the Washington state board of health in accordance with RCW 70.54.110;

(b) Procedures for applying for an operating license to provide temporary-worker housing, adopted by the Washington state department of health in accordance with RCW 43.70.340(3); and

(c) Operating license fees as set by RCW 43.70.340(2) to cover the costs of an inspection program to ensure compliance with this chapter, adopted by the Washington state department of health.

(2) This chapter applies to:

(a) Temporary-worker housing that consists of:

~~((a))~~ (i) Five or more dwelling units; or

~~((b))~~ (ii) Any combination of dwelling units, dormitories, or spaces that house ten or more occupants; and

(b) Operators who must comply with substantive state health and safety standards to qualify for MSPA.

(3) This chapter does not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.

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))~~ (3) "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))~~ (4) "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 either a sleeping ~~((and/or))~~ area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((7))~~ (5) "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))~~ (6) "Exemption" means a written authorization ~~((from the board))~~ which excludes an operator from meeting a specific requirement or requirements in this chapter.

~~((10))~~ (7) "Foodhandling facility" means a designated, enclosed area for preparation of food.

(a) ~~((("Central foodhandling facility")))~~ "Dining hall" 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))~~ (8) "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.

~~((12))~~ "Laundry" means ~~an area or room with one or more laundry sinks and/or mechanical washing machines used to wash clothing.~~

~~((13))~~ (9) "Interagency agreement committee" means a representative from the state board of health, department of health, department of labor and industries, employment security department, and department of community, trade, and economic development, pursuant to RCW 43.70.340.

(10) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

(11) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((14))~~ (12) "Operator" means ~~((owner, or the individual designated by the owner, responsible for the owner's))~~ a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary-worker housing.

~~((15))~~ (13) "Operating license" means a document issued annually by the department or contracted health officer authorizing the use of temporary-worker housing.

~~((16))~~ (14) "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))~~ (15) "Space" means a site designated by an operator for an individual worker-supplied housing unit.

~~((20))~~ (16) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.

~~((21))~~ (17) "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) "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))~~ means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary-worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

(18) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

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);~~

(1) Submit a written request to the board((; and)) which includes:

(a) The specific WAC section or subsection for which the exemption is being requested;

(b) Justification for the exemption; and

(c) A description of how the intent of the regulation will be met.

~~((b) Appearing))~~ (2) Appear before the board at a public hearing to justify the exemption upon a finding by the interagency agreement committee that the exemption is significant.

~~((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 246-358-045 Location and maintenance. (1) An operator shall locate housing:

(a) To prevent a health or safety hazard;

(b) On well-drained sites to prevent standing water from becoming a nuisance;

(c) ~~((More than))~~ Five hundred feet or more from a livestock operation unless the department or contracted health officer determines that no health risk exists;

(d) More than two hundred feet from swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes; and

(e) On sites sufficient in size to prevent overcrowding of necessary structures.

(2) An operator shall ensure that the housing site is maintained at all times in a sanitary condition free from garbage and other refuse.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-055 Water supply. An operator shall:

(1) Provide an adequate, convenient water supply from an approved source as described in chapter 246-290 WAC, and:

(a) For housing existing prior to August 1, 1984, maintain and operate the water system in accordance with chapter 246-290 WAC; and

(b) For housing constructed after August 1, 1984, design, construct, maintain, and operate the water system in accordance with chapter 246-290 WAC;

(2) Provide a water system:

(a) Capable of delivering thirty-five gallons per person per day to the housing site at a peak rate of two and one-half times the average hourly demand; and

(b) With distribution lines capable of supplying water at normal operating pressures to all fixtures for simultaneous operation;

(3) If water is not supplied solely by a community water system, submit a water sample to a department-certified laboratory for bacteriological quality testing each year prior to opening housing in accordance with WAC 246-290-300;

~~((3))~~ (4) Delay the use of housing until bacteriological quality meets the requirements in WAC 246-290-310;

~~((4))~~ (5) Provide cold, potable, running water under pressure in, or within one hundred feet of, each dwelling unit ~~(, dormitory,)~~ and each space for ~~((basic))~~ worker-supplied housing;

~~((5))~~ Provide cold, potable, running water under pressure to each space used for fully self-contained worker-supplied housing;

(6) Provide one or more drinking fountains for each one hundred occupants or fraction thereof if water under pressure is available;

(7) Prohibit the use of containers from which water is dipped or poured, and common drinking cups; and

(8) ~~((Ensure that outlets for nonpotable water are rendered inaccessible to occupants within the housing site; and~~

~~(9))~~ When water is unsafe for drinking purposes and accessible to occupants, post a sign ~~((within three feet of))~~ by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." in English or marked with easily-understood pictures or symbols.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-065 Sewage disposal. An operator shall:

(1) Connect sewer lines and floor drains from buildings to public sewers if public sewers are available;

(2) If public sewers are not available provide on-site sewage disposal systems designed, constructed, and maintained as required in chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances; and

~~((2))~~ (3) Ensure connection and drainage of sewage and waste water from all housing to a sewage disposal system approved by the jurisdictional agency.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-075 Construction and maintenance.

An operator shall:

(1) Ensure ~~((that all))~~ construction provides protection against the elements and complies with applicable state and local ordinances, codes, regulations, and this chapter;

(2) ~~((Provide structurally sound))~~ Identify each dwelling unit and space for worker-supplied housing by posting a number at each site;

(3) Maintain buildings and shelters ~~((which: (a) Are maintained))~~ in good repair and sanitary condition;

~~((b) Are maintained in a sanitary condition; and~~

~~(c) Protect occupants against the elements;~~

~~(3) Provide))~~ (4) Comply with chapter 51-20 WAC by providing two means of escape from sleeping rooms, foodhandling facilities, and rooms where fifty or more people congregate;

~~((4))~~ (5) Provide ~~((, at a minimum, the following area, with ceiling heights in accordance with subsection (5) of this section:~~

~~(a))~~ at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant in each dwelling unit;

~~((b) Fifty square feet of floor space for each occupant in a dormitory; and~~

~~(c))~~ (6) Provide at least seven foot ceilings and fifty square feet of floor space for each occupant in rooms used for sleeping purposes;

~~((5) Provide ceiling heights of seven feet over at least one-half the floor area with no point less than five feet, and ensure the minimum ceiling height in:~~

~~(a) Manufactured homes is six feet eight inches; and~~

~~(b) Operator-supplied recreational vehicles is six feet four inches;~~

~~(6))~~ (7) Provide a separate sleeping area for husband and wife in units housing one or more children over six years old;

(8) Provide smooth and tightly constructed wood, asphalt, or concrete floors in good repair;

~~((7))~~ (9) When wood floors are used, ensure floors are at least twelve inches above the ground at all points;

~~((8) Provide easily cleanable surfaces on interior walls and floors free of excessive peeling paint;~~

~~(9) Use nonlead-based paint on all painted surfaces;))~~

(10) Provide a window area equal to one-tenth of the total floor area in each habitable room which opens one-half or more directly to the outside for ventilation;

(11) ~~((Provide an adequate natural or mechanical ventilation system for all rooms including the bathroom;~~

~~(12) Ensure windows or skylights used for ventilation open:~~

~~(a) To fifty percent of total window area; and~~

~~(b) Directly to the outside;~~

~~(13))~~ Provide(;

~~(a))~~ effective sixteen-mesh screens on all exterior openings~~(s))~~, and

~~((b) Tight fitting))~~ screen doors ~~((in good repair and))~~ equipped with self-closing devices;

~~((14) Provide electrical service including:~~

~~(a) One electrical ceiling type light fixture and one wall outlet in each dwelling unit room;~~

~~(b) One electrical ceiling type light fixture or wall fixture, and one or more outlets, for each two hundred fifty square feet of space in each dormitory; and~~

~~(c) One electrical ceiling type or wall type light fixture, and one or more outlets, in each central bathing, foodhandling, handwashing, laundry, and toilet room;~~

~~((15))~~ (12) Provide ((lighting intensities that meet the requirements in WAC 246-358-115)) a minimum of thirty footcandles of light measured thirty inches from the floor in dwelling units;

~~((16))~~ (13) Ensure wiring and fixtures are installed in accordance with department of labor and industries regulations, RCW 19.28.070 and local ordinances, and maintained in a safe condition;

~~((17))~~ (14) Ensure heating, cooking, water heating, and other electrical equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installation;

~~((18))~~ (15) Ensure that operator-supplied trailers and recreational vehicles manufactured after July 1968 display a Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC; and

~~((19))~~ (16) Follow the compliance schedule established with the department or contracted health officer when existing housing fails to meet the requirements in this chapter.

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))~~ adequate sewage disposal ((at each space used for fully self-contained)) for the type of worker-supplied housing used;

(3) Provide water and electricity as required for dwelling units;

(4) Provide ~~((facilities for the maximum occupancy specified on the operating license for basic worker-supplied housing, including:~~

~~(a))~~ adequate centralized bathing, handwashing, laundry, and toilet facilities in accordance with the ratios specified in ((WAC 246-358-095)) this chapter; and

~~((b) Common or central))~~ (5) Provide adequate foodhandling facilities for the type of worker-supplied housing used;

~~((4) Prohibit))~~ (6) Allow the use of ((tents)) a tent as worker-supplied housing only when the tent complies with WISHA requirements; and

~~((5))~~ (7) 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)).~~

NEW SECTION

WAC 246-358-090 Laundry facilities. An operator shall provide laundry facilities including:

(1) Hot and cold running water under pressure for laundry adequate to meet the needs of occupants as determined by the department or contracted health officer;

(2) One laundry tray or tub, or one mechanical washing machine, for each thirty occupants, or fraction thereof, specified on the operating license;

(3) At least one slop sink in each building used for laundry;

(4) Facilities for drying clothes;

(5) Sloped, coved floors of nonslip impervious materials with floor drains;

(6) Where electric service is available, a minimum of one ceiling or wall light fixture;

(7) Thirty footcandles of light measured thirty inches from the floor;

(8) Equipment capable of maintaining a temperature of 70°F during cold weather.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-095 Bathing, handwashing, laundry, and toilet facilities. (1) An operator shall:

(a) Provide hot and cold running water under pressure ~~((twenty-four hours a day))~~ for bathing ~~((s))~~ and handwashing ~~((and laundry))~~ adequate to meet the needs of occupants as determined by the department or contracted health officer;

~~(b) ((Separate toilets from habitable areas by walls;~~
~~(c) Locate toilet rooms to provide access without passing through sleeping rooms;~~

~~(d) Provide water flush toilets and urinals unless privies or other methods are specifically approved by the department or contracted health officer according to requirements in chapter 246-272 WAC;~~

~~(e) Locate pit privies, when approved, at least one hundred feet from any dwelling unit, dormitory, space, or foodhandling facility;~~

~~(f) When vault privies or chemical toilets are approved:~~
~~(i) Locate at least fifty feet from any dwelling unit, dormitory, space, or foodhandling facility;~~

~~(ii) Maintain a service contract for sewage pumping with a licensed waste disposal company; and~~

~~(iii) Comply with local ordinances;~~
~~(g) If urinals are provided, cover the floor with a material impervious to moisture for a radius of not less than fifteen inches from the outer edge of the urinal, and from the urinal to the wall; and~~

~~(h) Connect sinks, bathing, and laundry facilities through properly trapped floor drains to an approved disposal system.)~~ Provide, where electric service is available, a minimum of one ceiling or wall light fixture; and

(c) Provide thirty footcandles of light measured thirty inches from the floor.

(2) An operator providing centralized bathing(~~(;)~~) or handwashing(~~(; or toilet)~~) facilities shall meet the requirements of subsection (1) of this section, and:

(a) Provide the number of handwashing sinks(~~(;)~~) and shower heads(~~(; and toilets)~~) specified in Table I;

(b) (~~Locate toilets and handwashing sinks within two hundred feet of the door of housing lacking toilets;~~

~~(c) Locate bathing facilities within three hundred feet of housing lacking bathing facilities;~~

~~(d) Provide means for individual privacy for toileting and bathing;~~

~~(e) Provide an adequate number of toilet rooms for each sex, and clearly mark each room for men and for women with signs printed in English and easily understood pictures or symbols;~~

~~(f) Separate toilet rooms for men and for women with solid walls or partitions extending from the floor to the roof or ceiling;~~

~~(g) Provide adequate, accessible supplies of toilet tissue and holders;~~

~~(h) Provide lighting in toilet rooms twenty-four hours per day;~~

~~(i) Provide a means to maintain a temperature of 70°F during cold weather;~~

~~(j) Ensure bathing and handwashing facilities are maintained in a clean and sanitary condition;~~

~~(k) Ensure that the toilet facilities are cleaned at least daily;~~

~~(l) Provide one slop sink per building used for handwashing and bathing; and~~

~~(m) Provide shower (~~and laundry~~) rooms with:~~

~~(i) Sloped, coved floors of nonslip impervious materials; (~~and~~)~~

~~(ii) Floor drains; and~~

~~(iii) Provide shower rooms with (iii) Smooth, water impervious walls and partitions(~~(; and)~~) to the height of splash.~~

~~(n) Provide cleanable, nonabsorbent waste containers.~~

TABLE 1:

Required number of centralized handwashing sinks(~~(;)~~) and shower heads(~~(; toilets, and urinals)~~).

HANDWASHING SINKS	One per each 6 persons* (2) or fraction thereof.
SHOWER HEADS	One per each 10 persons* or fraction thereof.
(TOILETS	One per each 15 persons* or fraction thereof, with a minimum of two for any facility shared by men and women.)

*The number of persons shall be calculated by subtracting the number of occupants sheltered in dwelling units (~~and dormitories~~) that contain individual facilities from the maximum occupancies approved for both operator-supplied and (~~basic~~) worker-supplied housing.

(3) An operator providing bathing(~~(;)~~) or handwashing(~~(; or toilet)~~) facilities in dwelling units shall meet the requirements in subsection (1) of this section, and(~~(;~~

~~(a) Provide a handwashing sink in each dwelling unit that contains a toilet;~~

~~(b) request occupants to maintain bathing, handwashing, and toilet facilities in a clean and sanitary condition(~~(;~~ and~~

~~(c) When dwelling units house more than one family, provide a means of privacy for toileting and bathing).~~

~~((4) An operator shall provide the following centralized laundry facilities unless commercial or public laundry facilities are within three miles of housing and accessible to occupants:~~

~~(a) One laundry sink and one mechanical washing machine for each thirty occupants, or fraction thereof, specified on the operating license. Two laundry sinks may replace one mechanical washing machine. One mechanical washing machine may replace two laundry sinks, provided each laundry facility has at least one laundry sink; and~~

~~(b) Facilities for drying clothes.)~~

NEW SECTION

WAC 246-358-100 Toilet facilities. (1) The operator shall:

(a) Locate each toilet in a toilet room which is accessible without passing through a sleeping room;

(b) Provide a window not less than six square feet in area opening directly to the outside, or other satisfactory ventilation;

(c) Provide water flush toilets unless privies or other methods are specifically approved by the department or contracted health officer according to requirements in chapter 246-272 WAC;

(d) Locate pit privies, when approved, at least one hundred feet from any dwelling unit, space, or foodhandling facility;

(e) When vault privies or chemical toilets are approved:

(i) Locate at least fifty feet from any dwelling unit, space, or foodhandling facility;

(ii) Maintain a service contract for sewage pumping with a licensed waste disposal company; and

(iii) Comply with local ordinances;

(f) If urinals are provided, cover the floor with a material impervious to moisture for a radius of not less than fifteen inches from the outer edge of the urinal, and from the urinal to the wall;

(g) Provide an adequate water flush in urinals if water under pressure is available;

(h) Connect sinks and bathing facilities through properly trapped floor drains to an approved disposal system; and

(i) Provide an adequate supply of toilet paper in each toilet room, privy, and chemical toilet compartment.

(2) An operator providing centralized toilet facilities shall meet the requirements of subsection (1) of this section, and:

(a) Provide one toilet per fifteen persons of each sex with a minimum of two toilets for any facility shared by men and women;

(b) Locate toilets within two hundred feet of the door or each sleeping unit;

(c) Separate toilet rooms for men and for women with solid walls or partitions extending from the floor to the roof or ceiling;

(d) Clearly mark each room "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily-understood pictures or symbols;

(e) Provide natural or artificial light twenty-four hours per day equal to twenty footcandles of light, measured thirty inches from the floor;

(f) Provide a means to maintain a temperature of 70°F during cold weather; and

(g) Ensure that the toilet facilities are cleaned at least daily.

(3) An operator providing toilet facilities in dwelling units shall meet the requirements in subsection (1) of this section, and:

(a) Provide a handwashing sink in each dwelling unit that contains a toilet; and

(b) Request occupants to maintain toilet facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-125 Cooking and foodhandling facilities. An operator shall provide enclosed cooking and foodhandling facilities for all occupants.

(1) An operator furnishing cooking facilities in each dwelling unit shall provide:

(a) An operable cook stove (~~(or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families))~~ for each ten persons or two families, or fraction thereof;

(b) A sink with running water under pressure;

(c) Food storage areas and easily-cleanable food preparation counters situated off the floor;

(d) (~~Individual or centralized mechanical refrigeration, capable of maintaining temperature of~~) A means of storing food at forty-five degrees Fahrenheit or below, with space for storing perishable food items for all occupants;

(e) (~~Tables and chairs or equivalent seating;~~) (f) Fire resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas; ~~(and~~

~~(g))~~ (f) Nonabsorbent and easily-cleanable floors;

(g) Where electric service is available, at least one ceiling-type light fixture and one separate floor or wall outlet; and

(h) Thirty footcandles of light measured thirty inches from the floor.

(2) An operator furnishing common foodhandling facilities shall provide:

(a) A room or building, adequate in size, separate from (~~and convenient to dwelling units, dormitories, and spaces~~) any sleeping quarters and without direct openings to living or sleeping quarters;

(b) An operable cook stove (~~(or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families))~~ for each ten persons or two families, or fraction thereof;

(c) Sinks with hot and cold running water under pressure;

(d) Food storage areas and easily-cleanable food preparation counters situated off the floor;

(e) (~~Mechanical refrigeration capable of maintaining a temperature of~~) A means of storing food at forty-five degrees Fahrenheit or below with space for storing perishable food items for all occupants;

(f) (~~Tables and chairs or equivalent seating;~~) (g) Fire-resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas;

~~((h))~~ (g) Nonabsorbent, easily-cleanable floors; (and ~~(i))~~ (h) No direct openings to living or sleeping areas from the common foodhandling facility;

(i) Where electric service is available, at least one ceiling or wall light fixture; and

(j) Thirty footcandles of light measured thirty inches from the floor.

(3) An operator furnishing a (~~central foodhandling facility~~) dining hall shall:

(a) Comply with chapter 246-215 WAC, Food service;

(b) (~~Provide tables and chairs or equivalent seating;~~)

Provide a room or building, adequate in size, separate from any sleeping quarters and without direct openings to living or sleeping quarters;

(c) Provide fire-resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas; ~~(and)~~

(d) (~~Ensure the central foodhandling facility has no direct openings to living or sleeping areas;~~) Where electric service is available, at least one ceiling or wall light fixture; and

(e) Thirty footcandles of light measured thirty inches from the floor.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-135 Beds and bedding and personal storage. An operator shall:

(1) Provide beds or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department or contracted health officer for operator-supplied housing;

(2) Ensure bedding, if provided by the operator, is clean and maintained in a sanitary condition;

(3) Provide a minimum of twelve inches between each bed or bunk and the floor;

(4) When single beds are used separate beds laterally and end to end by at least thirty-six inches;

(5) When bunk beds are used:

(a) Separate beds laterally and end to end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks(-); and

(6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

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.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-145 Health and safety. An operator shall:

(1) ~~((Use pesticides in and around the housing area consistent))~~ Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, and pesticide label instructions when using pesticides in and around housing;

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use;

(3) Provide readily accessible first-aid equipment meeting the requirements of Part A-1 of chapter 296-24 WAC;

(4) Ensure that a person trained ~~((in basic))~~ to administer first aid ((and cardiopulmonary resuscitation is accessible to occupants)) is readily accessible at all times;

(5) ~~((Provide))~~ Comply with chapter 51-20 WAC by providing smoke detection devices ((in accordance with the Washington state fire marshal regulations in chapter 212-10 WAC));

(6) Store or remove unused refrigerator units to prevent access by children; and

(7) Fill abandoned privy pits with earth; and lock or otherwise secure unused privy buildings.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-155 Refuse disposal. An operator shall:

(1) Establish and maintain a refuse disposal system;

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(3) Store refuse in ~~((enclosed, sound,))~~ fly-tight, rodent-tight, impervious, and cleanable or single-use containers;

(4) Keep refuse containers clean;

(5) Provide ~~((an accessible))~~ a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit ~~((, dormitory,))~~ and space;

(6) Empty refuse containers at least twice each week, and when full;

(7) ~~((Remove))~~ Comply with local sanitation codes for removing refuse from housing areas and ((dispose)) disposing of refuse ((in a manner consistent with local sanitation codes)); and

(8) Ensure the housing area is free of refuse when housing is closed for the season to prevent a nuisance.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-175 Disease prevention and control. An operator shall:

(1) Make reasonable efforts to know if disease is present among occupants;

(2) Report immediately to the local health officer:

(a) The name and address of any occupant suspected of having an infectious or communicable disease;

(b) Any case of suspected food poisoning; and

(c) Any unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, jaundice, productive cough, or weight loss is a prominent symptom among occupants;

~~((When aware of an occupant's illness, assist the occupant to obtain medical diagnosis and treatment;))~~ Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls;

(4) Establish rules and inform occupants of their responsibilities related to maintaining housing consistent with the requirements in this chapter; and

(5) Post information regarding temporary-worker health and sanitation when provided by the department or contracted health officer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-358-105	Heating.
WAC 246-358-115	Lighting.

WSR 95-13-001
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Memorandum—June 5, 1995]

The Washington State Department of Community, Trade and Economic Development plans to hold a public hearing on the proposed Washington state plan and application for the 1996 low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, July 27, 1995, at the Olympia Center, 222 North Columbia, Room 200, Olympia, WA 98501. The hearing will begin at 9:00 a.m. and close at 11:00 a.m. unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 27, 1994. Written testimony should be sent to the attention of Bruce Yasutake, Energy Services Section, Department of Community, Trade and Economic Development, 906 Columbia Street Southwest, P.O. Box 48300, Olympia, WA 98504-8300.

The state plan is available in alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Bruce Yasutake, or TDD (360) 753-2200.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 586-0498.

WSR 95-13-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Memorandum—June 6, 1995]

The Board of Physical Therapy has rescheduled its July 16, 17, 18 meeting to August 6 and 7, and its September 19 meeting to October 2, locations to be arranged.

WSR 95-13-008
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—June 8, 1995]

The Edmonds Community College board of trustees is convening a special meeting June 15 at 3:30 p.m. to be held in the Board of Trustees Meeting Room, Sno-King Building, Room 103, at the Edmonds Community College campus.

The special meeting is for the purpose of an executive session to evaluate the qualifications of an applicant for public employment.

Action items, if any, may be necessary to be taken as a result of matters considered in this executive session.

Board of Trustees Meeting
 June 15, 1995
 Sno-King Building
 Room 103
 (4:30 - 6:25)

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 95-13-009
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—June 7, 1995]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, July 13th at the Northwest Region Washington State Archives Facility on the Western Washington University campus, beginning at 8:45 a.m.

At this meeting the IAC will consider Washington wildlife and recreation program (WWRP) issues relating to first year funding of projects on the FY 96 lists. Additional planned agenda items include a presentation of the draft state comprehensive outdoor recreation plan (SCORP) by Cheyne and Associates, budget and legislative updates, review and approval of FARR Program Manual #16, and consideration of two project conversion requests (city of Olympia and city of Selah).

Related activities: Prior to the scheduled meeting on Thursday, July 13th, the committee will tour the archives facility beginning at 8:15 a.m. On Friday, July 14th, IAC members will participate in a field trip to sites funded by IAC in and around the Bellingham/Whatcom County area.

If you plan to participate or have materials for committee review, please submit information to IAC no later than June 22, 1995. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by June 22 at (360) 902-3000, or TDD (360) 902-1996.

WSR 95-13-011
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—June 9, 1995]

The board of trustees has changed the date of the regular board meeting that was scheduled to be held on June 27, 1995, 7:30 p.m. in the board room at Olympic College, District No. 3, Bremerton, Washington to June 20, 1995, 7:30 p.m., North and South Conference Rooms of the Bremer Student Center, Olympic College, Bremerton, Washington.

WSR 95-13-012
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
[Memorandum—June 9, 1995]

The board of trustees has changed the location of the regular board meetings that were scheduled to be held in the board room at Olympic College, District No. 3, Bremerton, Washington to the North and South Conference Rooms of the Bremer Student Center, Olympic College, Bremerton, Washington.

WSR 95-13-013
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Raspberry Commission)
[Memorandum—June 9, 1995]

The Washington Red Raspberry Commission's 1995 meeting schedule has changed. The meeting originally scheduled for November 1 will take place November 3. The Bellingham meetings will take place at the Bellingham Cruise Terminal and not the commission office.

WSR 95-13-023
DEPARTMENT OF LICENSING
[Filed June 13, 1995, 9:20 a.m.]

SIGNIFICANT RULE-MAKING AGENDA FOR FY 1996

The following agenda is proposed for Vehicle Services Division pursuant to Executive Order 94-07 on regulatory reform:

Prorate/Fuel Tax:

WAC section numbers:

- WAC 308-72-710 Mitigation of penalties and interest.
- WAC 308-77-215 Mitigation of penalties and interest.
- WAC 308-78-090 Mitigation of penalties and interest.
- WAC 308-91-xxx Mitigation of penalties and interest.

Purpose: Separates the mitigation of penalty and interest allowing a more clear distinction of the program area's ability to separately mitigate, adjust or extinguish either a penalty, interest or both interest and penalties.

Reason for Rule: Clarification.

Contact Person: Art Farley, telephone 753-3258.

Planned CR-101 Filing: July 1, 1995.

Planned CR-102 Filing: August 1, 1995.

Planned Hearing Date: September 1, 1995.

Planned CR-103 Filing: September 8, 1995.

Planned Adoption: September 5, 1995.

Planned Effective Date: October 10, 1995.

Other Agencies with Interest: None.

Title and Registration Services:

WAC section numbers:

- WAC 308-330-300 Chapter 46.12 RCW, sections adopted.
- WAC 308-330-305 Chapter 46.16 RCW, sections adopted.

- WAC 308-330-307 Chapter 46.20 RCW, sections adopted.
- WAC 308-330-316 Chapter 46.37 RCW, sections adopted.
- WAC 308-330-330 Chapter 46.80 RCW, sections adopted.
- WAC 308-330-406 Chapter 46.55 RCW, sections adopted.
- WAC 308-330-425 Chapter 46.61 RCW, sections adopted.
- WAC 308-330-454 Stopping, standing, and parking of buses and taxicabs.

Purpose: Add amendments and additions of traffic violations enacted during 1995 legislative session to the model traffic ordinance.

Reason for Rules: Addition of traffic violation enacted.

Contact Person: Jack Lince, telephone 902-3773.

Planned CR-101 Filing: May 18, 1995.

Planned CR-102 Filing: July 5, 1995.

Planned Hearing Date: August 8, 1995.

Planned CR-103 Filing: August 11, 1995.

Planned Adoption: August 11, 1995.

Planned Effective Date: September 10, 1995.

Other Agencies with Interest: WSP, local governments.

WAC section numbers:

WAC 308-96A-xxxx.

Purpose: Implementation of SHB 1209.

Reason for Rules: Clarification of commodities that may be transported without payment of the ten dollar inspection fee.

Contact Person: Jack Lince, telephone 902-3773.

Planned CR-101 Filing: June 21, 1995.

Planned CR-102 Filing: August 1, 1995.

Planned Hearing Date: September 6, 1995.

Planned CR-103 Filing: September 11, 1995.

Planned Adoption: September 11, 1995.

Planned Effective Date: October 11, 1995.

Other Agencies with Interest: WSP, UTC.

WAC section number:

WAC 308-56A-xxx Uniform Transfers to Minors Act.

Purpose: Authorize certificate of ownership of a minor owner vehicle to be issued under the control of an adult, financial institution, or trust company.

Reason for Rule: Implementation of RCW 11.114.090, which authorized the ownership of personal property by a minor to be put in the name of another person until the minor reaches the age of maturity.

Contact Person: Eric Andersen, telephone 902-3811.

Planned CR-101 Filing: June 30, 1995.

Planned CR-102 Filing: August 15, 1995.

Planned Hearing: October 4, 1995.

Planned CR-103 Filing: October 11, 1995.

Planned Adoption: October 11, 1995.

Planned Effective Date: November 10, 1995.

Other Agencies with Interest: None.

MISCELLANEOUS

The following is our proposed biennium agenda for significant rules under development for the Board of Registration for Landscape Architects:

WAC 308-13-050 Registration by reciprocity.

Purpose: To provide information on obtaining registration by reciprocity.

Reason: Housekeeping. Minor editing is necessary to eliminate the UNE exam which is no longer offered.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-13-110 Landscape architect listings.

Purpose: To require landscape architect firms to identify the architect responsible for the activities of the firm.

Reason: To rescind the rule as unnecessary plant identification examination and proctoring program and accompanying fees because they have been discontinued.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-13-150 Landscape architect fees.

Purpose: To state the fees for landscape architect examination and registration.

Reason: For clarification and to delete the plant identification examination and proctoring program and accompanying fees because they have been discontinued.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

The following is our proposed biennium agenda for significant rules under development for the Board of Registration for Architects:

WAC 308-12-025 Application for examination.

Purpose: To provide information and instructions to apply for the architect examination.

Reason: For clarification. The national examination will become a computerized examination in 1996 and this amendment will explain the process.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-12-031 Registration examination.

Purpose: To describe the examinations required for architect registration.

Reason: For clarification. The examination is changed from a paper and pencil test to a computerized test and this amendment provides for any type of examination that is offered by NCARB.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-12-140 Examination—Qualifications of candidates.

Purpose: To allow candidates who had taken any part of the architectural exam prior to July 28, 1985, to remain eligible to take the examination after July 28, 1985.

Reason: To rescind this rule as unnecessary.

Contact Person: James D. Hanson, Program Administrator, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-12-324 Compliance with laws.

Purpose: To affirm that architects will comply with state and federal laws governing the professional practice of architecture.

Reason: The jurisdictions recognized by NCARB extend beyond the United States and this amendment would be expanded to include any jurisdiction recognized by NCARB.

Contact Person and Phone Number: James D. Hanson, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

WAC 308-12-326 Architect fees.

Purpose: To state the fees for architect examination and registration.

Reason: Housekeeping. To eliminate the fees for the examination once it becomes computerized and administered by a testing service.

Contact Person and Phone Number: James D. Hanson, (360) 753-6967.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1996.

The following is the FY 96 rules development plan for engineers and land surveyors:

Chapter 196-08 WAC, Practice and procedure.

Purpose: Existing rules establishing procedures for board operations.

Reason for Rule: To repeal those sections no longer applicable.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996 (if required).

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Attorney General's Office.

WAC 196-12-020 Experience records.

Purpose: Existing rule establishes experience records for licensure as a professional engineer.

Reason for Rule: To amend those portions impacted by chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Any agency that employs engineers.

WAC 196-12-050 Evaluation of candidates for engineering licenses.

Purpose: Existing rule establishes conditions for waiver of fundamentals examination.

Reason for Rule: To make modifications to clarify and streamline process.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Any agency that employs engineers.

WAC 196-12-060 Persons enrolled as E.I.T.s.

Purpose: Existing rule provides criteria for EIT to apply for PE licensure.

Reason for Rule: To amend those portions impacted by chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: University of Washington and Washington State University.

Chapter 196-14 WAC, new chapter.

Purpose: New rules to establish process and procedure for application evaluation and examination for enrollment as a land surveyor-in-training (LSIT).

Reason for Rule: To create rules to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Any agency that employs land surveyors and community college system.

WAC 196-16-010 Experience records.

Purpose: Existing rule that outlines experience applicable for licensure as a professional land surveyor.

Reason for Rule: To amend and/or add provisions to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Any agency that employs land surveyors.

WAC 196-16-020 Examinations.

Purpose: Existing rule that outlines examination process for licensure as a professional land surveyor.

Reason for Rule: To amend and/or add provisions to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: Any agency that employs land surveyors.

WAC 196-20-010 Applications.

Purpose: Existing rule that outlines experience applicable for enrollment as an engineer-in-training.

Reason for Rule: Housekeeping language by amending and/or adding provisions to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: University of Washington and Washington State University.

WAC 196-20-020 Experience.

Purpose: Existing rule that outlines experience applicable for enrollment as an engineer-in-training.

Reason for Rule: Housekeeping language by amending and/or adding provisions to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: University of Washington and Washington State University.

WAC 196-20-030 Examinations.

Purpose: Existing rule that outlines experience applicable for enrollment as an engineer-in-training.

Reason for Rule: Housekeeping language by amending and/or adding provisions to implement chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: University of Washington, Washington State University, and agencies that employ engineers.

Chapter 196-22 WAC, new chapter.

Purpose: New rule establishing scope of engineering practice related to on-site sewage and public water systems.

Reason for Rule: Required by Thurston County Superior Court Order.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: September 1995.

Planned Hearing Date: November 1995.

Planned CR-103 Filing Date: December 1995.

Planned Effective Date: January 1996.

Other Agencies Which Have an Interest: Department of Health, Puget Sound Water Quality Authority and Department of Ecology.

WAC 196-24-040 Applications.

Purpose: Existing rule that outlines general process for all applications submitted to the board.

Reason for Rule: To repeal section due to repetition with other rules in Title 196 WAC.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996 (if required).

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: None.

WAC 196-24-070 (new section).

Purpose: New rule to outline eligibility and application process for "retired license status."

Reason for Rule: To implement provisions of chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: January 1996.

Planned Hearing Date: March 1996.

Planned CR-103 Filing Date: May 1996.

Planned Effective Date: July 1, 1996.

Other Agencies Which Have an Interest: None.

WAC 196-26-020 Engineer and land surveyor fees.

Purpose: Fees charged to license holders and applicants for license/examination.

Reason for Rule: Housekeeping language, amend fees as required and adopt fees as implement[ed by] chapter 356, Laws of 1995.

Contact Person: Alan Rathbun, Executive Director, 753-3634.

Planned CR-102 Filing Date: August 1995.

Planned Hearing Date: September 1995.

Planned CR-103 Filing Date: September 1995.

Planned Effective Date: November 1995.

Other Agencies Which Have an Interest: Any agency that employs engineers and/or surveyors.

The following is our proposed FY 96 agenda for rules development in cemeteries:

Chapter 98-14 WAC, rule on prearrangement trust fund investment fees.

Purpose: To protect the public interest.

Reason: Clarification.

Contact: Jon Donnellan, (360) 586-4905.

Chapter 98-14 WAC, rule on storage of generic merchandise.

Purpose: To protect the public interest.

Reason: Clarification.

Contact: Jon Donnellan, (360) 586-4905.

The following is our FY 96 agenda for rules development in funeral directors and embalmers:

Chapter 308-48 WAC, rule on funeral establishment facility standards.

Purpose: To protect the public health and maintain appropriate professional standards.

Reason: Clarification.

Contact: Jon Donnellan, (360) 586-4905.

Chapter 308-48 WAC, rule on funeral director and embalmer apprentice training requirements.

Purpose: The present statute and rules do not identify any reasonable apprentice training requirements.

Reason: Clarification.

Contact: Jon Donnellan, (360) 586-4905.

Chapter 308-48 WAC, rule on standards for the handling and care of human remains.

Purpose: To protect the public health and health of funeral personnel, and to maintain appropriate professional standards.

Reason: Clarification.

Contact: Jon Donnellan, (360) 586-4905.

Chapter 308-49 WAC, rule on prearrangement funeral service trust agreement requirements.

Purpose: It is not necessary to have separate rules for "master" trust agreements and prearrangement funeral service trust agreements.

Reason: Housekeeping.

Contact: Jon Donnellan, (360) 586-4905.

The following is the FY 96 agenda for rules development in private investigative agencies and private investigators:

Chapter 308-17 WAC.

Purpose: To clarify 1995 legislation and to set fee amounts.

Reason: Housekeeping.

Contact: Pat Brown, (360) 664-2356.

The following is the FY 96 agenda for rules development in security guard companies and private security guards:

Chapter 308-18 WAC.

Purpose: To clarify 1995 legislation and to set fee amounts.

Reason: Housekeeping.

Contact: Pat Brown, (360) 664-2356.

The following is the FY 96 agenda for rules development in real estate appraisers:

WAC 308-125-010, 308-125-020, 308-125-030 and 308-125-070, experience requirements.

Purpose: Existing rule establishes experience requirements for licensure and/or certification as a real estate appraiser.

Reason: To reduce the experience hours requirement for licensure and certification.

Contact Person: Cleotis Borner, (360) 753-1062.

Planned CR-102 Filing Date: June 8, 1995.

Planned Hearing Date: July 12, 1995.

Planned CR-103 Filing Date: July 13, 1995.

Planned Effective Date: August 14, 1995.

Other Agencies Which Have an Interest: Attorney General's Office.

The following is the FY 96 agenda for rules development in employment agencies:

WAC 308-33-105, rule on employment agency fees.

Purpose: To increase the licensing and renewal fees for employment agency main and branch offices and to identify the processing fee for renewals charged by master license service.

Reason: The employment agency program is not recovering sufficient revenue to defray costs of administering the program. Also, renewals are now issued through the master license service.

Contact Person: Harumi Tucker-Tolbert, (360) 586-7569.

WSR 95-13-027

NOTICE OF PUBLIC MEETINGS

BELLINGHAM TECHNICAL COLLEGE

[Memorandum—June 13, 1995]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 15, 1995, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 95-13-028

**NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION**

[Memorandum—June 13, 1995]

Due to the lack of a quorum, the Washington State Gambling Commission monthly meeting scheduled for July 13 and 14, 1995, has been cancelled.

Matters scheduled for July meeting will be taken up at the August 10 and 11, 1995, meeting in Chelan, Washington.

WSR 95-13-033

**RULES OF COURT
STATE SUPREME COURT**

[June 8, 1995]

IN THE MATTER OF THE)	
ADOPTION OF THE AMENDMENTS)	ORDER
TO THE CODE OF JUDICIAL)	NO. 25700-A-559
CONDUCT)	

The Court having considered the proposed amendments to the Code of Judicial Conduct and having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 8th day of June, 1995.

Durham, C. J.

Charles Z. Smith

Barbara A. Madsen

Richard P. Guy

Gerry L. Alexander

Charles W. Johnson

Rosselle Pekelis

Philip A. Talmadge

I Dissent Dolliver, J.

Reviser's note: The material contained in this filing will appear in the 95-14 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.

MISCELLANEOUS

WSR 95-13-034
RULES OF COURT
STATE SUPREME COURT
 [June 13, 1995]

IN THE MATTER OF THE ADOPTION)
 OF THE AMENDMENTS TO RAP 10.5;) ORDER
 CAR 16 and CAR 22) NO. 25700-A-560

The Court of Appeals having recommended the adoption of the proposed amendments to RAP 10.5; CAR 16 and CAR 22, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 13th day of June, 1995.

Durham, C. J.

Dolliver, J.

Johnson, J.

Smith, J.

Pekelis, J.

Guy, J.

Madsen, J.

Talmadge, J.

Alexander, J.

RULE 10.5

REPRODUCTION AND SERVICE OF BRIEFS BY CLERK

GR 9(d) Cover Sheet

(1) **Background:** The amendment to RAP 10.5 was proposed by the judges and clerks of the Court of Appeals.

(2) **Purpose:** The current rule requires the appellate clerk to send five copies of each brief to the State Law Library. However, at this time the librarian only needs three copies of Court of Appeals briefs and only for those cases with published opinions. The proposed change does not specify a number of briefs to be submitted but delegates to the librarian the authority to make that decision. With this flexibility, the librarian can change the number of briefs to be submitted without a change to the rule.

(3) **Washington State Bar Association Action:** None

(4) **Supporting Materials:** None.

(5) **Spokesperson:** Judge Ray Munson, Chair, Court of Appeals Rules Committee

(6) **Hearing:** Not recommended

RULE 10.5

REPRODUCTION AND SERVICE OF BRIEFS BY CLERK

(a) **Reproduction of Brief.** The appellate court commissioner or clerk will arrange for the economical reproduction of each brief and bill the party or amicus filing

the brief for the cost of reproduction. Each brief will be reproduced in the number of copies deemed necessary by the commissioner or clerk. The party or amicus must pay the cost of reproduction of the brief within 10 days after receiving the bill from the clerk. The appellate court commissioner or clerk may permit, under appropriate standards, a governmental party to reproduce and directly supply to the commissioner or clerk the number of copies required by the court in lieu of reproduction of the briefs being made by the court.

(b) **Distribution of Brief.** A party filing a brief must serve it in accordance with rules 10.2(h) and 18.5(a). The time for filing the next brief shall run from the time the preceding brief is served. In addition, after the briefs filed by the parties are reproduced, the clerk will send two copies of each brief to each party and one each to the defendant in a criminal case and to any amicus curiae. The clerk will also send five copies of each brief to the Washington State Law Library. The state law librarian shall determine how many copies of briefs from the Supreme Court and the Court of Appeals are to be transmitted to the State Law Library. The briefs will be transmitted by the clerks and provided at no cost to the State Law Library.

(c) **Service and Notice to Defendant in Criminal Case.** In a criminal case, the clerk will, at the time of filing of the brief, serve the defendant with a notice and form as provided in rule 10.1(d).

RULE 16

COURT PERSONNEL

GR 9(d) Cover Sheet

(1) **Background:** The amendment to CAR 16 was proposed by the judges and clerks of the Court of Appeals.

(2) **Purpose:** This rule relates to personnel at the Court of Appeals. Drafted at the time the Court was created, it contains references to the Supreme Court's authority over the number of personnel the Court of Appeal may employ. The Court of Appeals has now been in existence 25 years, and makes its own determination regarding personnel. In fact, the Court develops its own budget which goes directly to the legislature without any review by the Supreme Court. It is time, therefore, to amend the rules to reflect the Court's current practice. The proposed changes remove any language that states the Supreme Court has authority over the number of Court of Appeals employees.

Other proposed changes affect the duties of the Commissioners. In (c)(6) there is an amendment to state the commissioners "may supervise" rather than "employ" staff to reflect the actual authority of commissioners. In addition, the language that the employees serve at the pleasure of the commissioners is deleted since all Court of Appeals employees serve at the pleasure of the judges. Finally, there is a restriction that commissioners are prohibited from engaging in the practice of law.

(3) **Washington State Bar Association Action:** None

(4) **Supporting Materials:** None.

(5) **Spokesperson:** Judge Ray Munson, Chair, Court of Appeals Rules Committee

(6) **Hearing:** Not recommended

MISCELLANEOUS

RULE 16
COURT PERSONNEL

~~The Court of Appeals shall have such personnel as are authorized by Supreme Court rule. The personnel will be appointed by and serve at the pleasure of the division of the court to which they report.~~

(a) **Clerk's Office.** Each division shall have a clerk and such other personnel for the operation of the office as are authorized by ~~the Supreme Court~~ each Division. Before undertaking ~~his~~ the duties, the clerk shall file with the Secretary of State an oath of office.

(b) **Law Clerks and Secretaries.** Each judge and Chief Judge is entitled to not less than ~~one~~ two law clerks and one secretary.

(c) **Commissioner.** To promote the effective administration of justice, the judges of each division of the Court of Appeals will appoint one or more commissioners of the court. The salary of the commissioners will be fixed by the court.

(1) *Deciding Motions.* The commissioners will hear and decide those motions authorized by the Rules of Appellate Procedure and any additional motions that may be assigned to the commissioner by the court.

(2) *Screening for the Court.* The commissioners may screen appeals to the Court of Appeals and recommend whether a case should be disposed of by a published or unpublished opinion.

(3) *Assisting Chief Judge.* The commissioners may assist the Chief Judges in the initial consideration of personal restraint petitions and such other administrative and research duties as may be assigned.

(4) *Judicial Law Clerks.* The commissioners may assist the judges of the Court of Appeals with the selection of judicial law clerks, as desired by each judge. The commissioners will present an annual orientation for the new law clerks. The commissioners will prepare and periodically revise a manual for use by the judicial law clerks.

(5) *Improving Administration of Justice.* The commissioners will make recommendations to the court regarding procedures and the more effective use of judicial manpower in a particular division. The commissioners will serve on court committees when appointed thereto by the Chief Judges.

(6) *Assistants.* The commissioners ~~will employ~~ may supervise and train staff attorneys and other personnel to assist the commissioners in carrying out the duties of the commissioners' offices as directed by the judges of each Division. ~~These employees shall serve at the pleasure of the commissioners.~~

(7) *Duties To Benefit Full Court.* All duties performed by the commissioners are for the benefit of the court as a whole. The court may alter or add to the duties of the commissioners. In the performance of these duties the commissioners are responsible to the Chief Judges as executive officers of the court.

(8) *Qualifications.* The commissioners must be members in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

(9) *Oath of Office.* Before entering upon the duties of the office, the commissioners will take and file an oath of office in the form prescribed by order of the Supreme Court. The oath will include a requirement that the commissioners adhere to the Code of Judicial Conduct.

(10) *State Bar Association Membership.* The commissioners are not prohibited, during term of office, from maintaining active memberships in the Washington State Bar Association. All commissioners are prohibited from engaging, directly or indirectly, in the practice of law in this state.

RULE 22
SUPREME COURT CLERK
GR 9(d) COVER SHEET

(1) **Background:** The amendment to Rule 22 was proposed by the judges and clerks of the Court of Appeals.

(2) **Purpose:** This brief rule simply states that the clerk of the Supreme Court shall be responsible for the training and coordination control of the clerks of the Court of Appeals. As with Rule 16, this rule was adopted at the time when the Court of Appeals was created. The Court now recommends that such a rule is unnecessary since the clerks of each Division work directly for the judges. There is the possibility of a conflict if the clerks are subject to any kind of coordination control from the Supreme Court Clerk because they are employed by and work at the pleasure of the judges in the Division.

(3) **Washington State Bar Association Action:** None

(4) **Supporting Materials:** None.

(5) **Spokesperson:** Judge Ray Munson, Chair, Court of Appeals Rules Committee

(6) **Hearing:** Not recommended

RULE 22
[Reserved]
SUPREME COURT CLERK

~~The Clerk of the Supreme Court shall be responsible for the training and coordination control of the clerks of the Court of Appeals.~~

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

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

WSR 95-13-035
RULES OF COURT
STATE SUPREME COURT
[June 13, 1995]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO APR 11.2 (c)) ORDER
and (d); CR 26 (b) and (j); NEW CR 82.5;)
CrR 3.1; CrR 4.2(g); CrR 8.3(b); RALJ) NO. 25700-A-561
2.5(a); CrRLJ 3.1(f); and CrRLJ 9.1)
(c) and (d))

The Washington State Bar Association and the District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to APR

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11.2 (c) and (d); CR 26 (b) and (j); NEW CR 82.5; CrR 3.1; CrR 4.2(g); CrR 8.3(b); RALJ 2.5(a); CrRLJ 3.1(f); and CrRLJ 9.1 (c) and (d) and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the special rules edition of the Washington Reports in July 1995, and will become effective September 1, 1995.

DATED at Olympia, Washington this 13th day of June, 1995.

Durham, C. J.

Dolliver, J.

Johnson, J.

Smith, J.

Pekelis, J.

Guy, J.

Madsen, J.

Talmadge, J.

Alexander, J.

6.16(a); CrR 7.2(b); CrR 8.2; JuCR 7.3 (a) and (b); RALJ 2.4: RALJ 2.6 (a), (b), (c) and (d); RALJ 2.7; RALJ 4.1(c); RALJ 4.2(b); RALJ 4.3(b); RALJ 5.4; RALJ 6.1(a); RALJ 6.2(a); RALJ 6.3A(d); CRLJ 73(b); CrRLJ 2.2(a); CrRLJ 2.3(c); CrRLJ 2.4(b); CrRLJ 3.2(a), (1); CrRLJ 3.2.1(b); CrRLJ 3.3(f); CrRLJ 4.1(a); NEW CrRLJ 4.5; CrRLJ 6.3; CrRLJ 6.16(a); CrRLJ 7.2(b); CrRLJ 8.2; CrRLJ 8.3(b); IRLJ 5.2 and IRLJ 6.1, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the special rules edition of the Washington Reports in July 1995, and will become effective September 1, 1995.

DATED at Olympia, Washington this 13th day of June, 1995.

Durham, C. J.

Dolliver, J.

Johnson, J.

Smith, J.

Pekelis, J.

Guy, J.

Madsen, J.

Talmadge, J.

Alexander, J.

Reviser's note: The material contained in this filing will appear in the 95-14 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.

Reviser's note: The material contained in this filing will appear in the 95-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-13-036
RULES OF COURT
STATE SUPREME COURT
[June 13, 1995]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO GR 15; RPC 1.7(c); RLD 2.4(d); RLD 11.1; CrR 2.2(a); CrR 2.3(c); CrR 3.2 (a) and (m); CrR 3.2A; CrR 3.4(c); CrR 4.3 (a), (b), (c) and (d); NEW CrR 4.3A; CrR 4.5(a) and (d); CrR 6.16(a); CrR 7.2(b); CrR 8.2; JuCR 7.3 (a) and (b); RALJ 2.4: RALJ 2.6 (a), (b), (c) and (d); RALJ 2.7; RALJ 4.1(c); RALJ 4.2(b); RALJ 4.3(b); RALJ 5.4; RALJ 6.1(a); RALJ 6.2 (a); RALJ 6.3A(d); CRLJ 73(b); CrRLJ 2.2(a); CrRLJ 2.3(c); CrRLJ 2.4(b); CrRLJ 3.2 (a), (1); CrRLJ 3.2.1(b); CrRLJ 3.3(f); CrRLJ 4.1(a); NEW CrRLJ 4.5; CrRLJ 6.3; CrRLJ 6.16(a); CrRLJ 7.2(b); CrRLJ 8.2; CrRLJ 8.3(b); IRLJ 5.2 and IRLJ 6.1

ORDER
NO. 25700-A-562

WSR 95-13-044
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—June 14, 1995]

The Art Advisory Committee of the Washington State Convention and Trade Center will meet on Wednesday, June 21, at 11:30 a.m. in Room 306 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, June 21, 1995, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

The Washington State Bar Association having recommended the adoption of the proposed amendments to GR 15; RPC 1.7(c); RLD 2.4(d); RLD 11.1; CrR 2.2(a); CrR 2.3(c); CrR 3.2 (a) and (m); CrR 3.2A; CrR 3.4(c); CrR 4.3(a), (b), (c) and (d); NEW CrR 4.3A; CrR 4.5 (a) and (d); CrR

WSR 95-13-055
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—June 14, 1995]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Molecular Biotechnology.

Faculty Meetings for the rest of the year — Revised

June 20	1st Floor Conference Room Fluke Hall
July 11	1st Floor Conference Room Fluke Hall
August 15	K-350 Conference Room Health Sciences Building
September 12	K-350 Conference Room Health Sciences Building
October 24	K-350 Conference Room Health Sciences Building
November 21	K-350 Conference Room Health Sciences Building
December 12	K-350 Conference Room Health Sciences Building

Meetings are scheduled for 9 a.m.

WSR 95-13-060
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—June 19, 1995]

BOARD OF TRUSTEES
 June 23, 1995, 9:00 a.m.
 Pence Union
 Banquet Room 265

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 Board Room, Room 261.

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 95-13-067
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—June 16, 1995]

The July 1995 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Wednesday, July 19, and 9:00 a.m. on Thursday, July 20, 1995, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, July 19, in the Transportation Building, Rooms 1D2 and 3F21, Olympia.

WSR 95-13-083
INDETERMINATE SENTENCE
REVIEW BOARD
 [Filed June 20, 1995, 3:58 p.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are revisions to WAC 381-40-070 and 381-60-040 for publication in the Washington State Register and Washington Administrative Code.

Date of Adoption: June 19, 1995
 Effective Date: June 19, 1995

I certify pursuant to RCW 34.05.030 that WAC 381-40-070 and 381-60-040 are exempt from the Administrative Procedure Act and are being submitted for publication pursuant to the protocol.

Kathryn S. Bail
 Chair

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-40-070 Required documents—Parole reviews. In order for an inmate to be approved for a parole meeting or an administrative parole decision, the board must first be satisfied that he or she is ready to be considered for release. In addition, the following documents pertaining to the inmate shall be provided by the department of corrections and shall be present in the official board file prior to the meeting or the decision:

- (1) The institution progress report covering his or her adjustment, achievement, infractions and program participation since the last meeting with the board.
- (2) The institution preparole referral report.
- (3) A current preparole investigation report prepared by a community corrections officer.

(4) ~~((The institution superintendent's statement and))~~
Certification of good time credits, earned or denied.

In the case of administrative parole, the good time shall be certified through the date of the submission of the preparole referral. The board will assume that all good time is earned from that date until the date of parole. The department of corrections shall notify the board of all infractions and loss of good time which occurs between the date the preparole referral is sent and the date of parole.

(5) A current psychological or psychiatric report, if requested by the board.

~~((6) A full review and report from the superintendent pertaining to the inmate's prospects for rehabilitation pursuant to RCW 9.95.052.))~~

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

WAC 381-60-040 Petition. RCW 9.95.100 states that any convicted person undergoing sentence in the penitentiary or reformatory not sooner released under the provisions of this chapter shall, in accordance with the provisions of law, be discharged from custody for the offense of which such

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person was convicted or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until the maximum term expires, release a prisoner unless in its opinion, his rehabilitation has been complete and he is a fit subject for release. Therefore, if, in the opinion of an institution superintendent, any convicted person serving a sentence in an adult correctional institution is not a fit subject for release and is considered to be incapable of succeeding on parole because of incomplete rehabilitation, the department of corrections may request in writing that the board conduct a hearing pursuant to RCW 9.95.100. The written request shall include:

(1) A statement to the board giving reasons why the subject of the request is unable to be paroled;

(2) ~~((Report of the superintendent, pursuant to RCW 9.95.052;))~~ The institutional progress report covering his or her adjustment, achievement, infractions, and program participation since the last meeting with the board;

(3) Supporting data such as psychiatric or psychological reports;

(4) Other reports and information as necessary.

The board reserves the right to schedule hearings pursuant to RCW 9.95.100 on its own motion.

WSR 95-13-095

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Memorandum—June 12, 1995]

CERTIFICATION AND ACCREDITATION GUIDELINE COMMITTEE MEETINGS FOR 1995

A special meeting has been scheduled by the committee for Friday, July 7, 1995, 9 a.m. to 3 p.m. The meeting location will be the SeaTac Fire Department, 2929 South 200th Street, SeaTac, WA 98198.

The next regular meeting is August 4, 9 a.m. to 12 noon at King County Fire District #39, Station #4, 3700 South 320th, Auburn, WA.

WSR 95-13-098

NOTICE OF PUBLIC MEETINGS GOVERNOR'S TELECOMMUNICATIONS POLICY COORDINATION TASK FORCE

[Memorandum—June 21, 1995]

Public Hearing Notice

Hearing Date: June 21 at 1:30 p.m.
John L. O'Brien Building
Hearing Room A
Olympia - Capitol Campus

Hearing Date: June 22 at 1:30 p.m.
John L. O'Brien Building
Hearing Room A
Olympia - Capitol Campus

If you have any questions, please contact Connie Michener, Department of Revenue, at (360) 586-3687 or via Internet at connie@ofm.wa.gov.

WSR 95-13-104

DEPARTMENT OF ECOLOGY

[Filed June 21, 1995, 11:28 a.m.]

ISSUANCE OF A GENERAL PERMIT FOR DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWERS FOR THE CEDAR/GREEN WATER QUALITY MANAGEMENT AREA AND THE PORTION OF THE KITSAP WATER QUALITY MANAGEMENT AREA LOCATED IN KING COUNTY

The Washington State Department of Ecology has made a decision to issue a national pollutant discharge elimination system and state waste discharge general permit to regulate stormwater discharges from municipal separate storm sewers in the Cedar/Green water quality management area and the portion of the Kitsap water quality management area located in King County. The issuance date of the permit is July 5, 1995. The effective date of the permit is August 4, 1995.

Ecology is issuing this permit under authority granted it by the State Water Pollution Control Act - Chapter 90.48 RCW. Applicable provisions of that statute include: RCW 90.48.030 Jurisdiction of department; RCW 90.48.162 Waste disposal permits required of counties, municipalities and public corporations; and RCW 90.48.260 Federal Clean Water Act - Department designated as state agency, authority - Powers, duties, and functions.

This permit is being issued to meet the requirements of state statute and regulation, including the requirements of chapter 173-200 WAC, Water quality standards for ground waters, chapter 173-201 WAC, Water quality standards for surface waters, and chapter 173-204 WAC, Sediment management standards. The permit is also being issued to meet the requirements of section 402(p) of the Federal Clean Water Act and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations (CFR), Part 122, published in the federal register on November 16, 1990).

Geographic Area of Coverage:

This general permit will cover the Cedar/Green water quality management area, previously defined by ecology, and the portions of the Kitsap water quality management area that are located in King County. A map of the geographic area of coverage is included in the fact sheet to the permit.

Dischargers Needing Permits:

The permittees named for this area are as follows:

King County
Seattle, together with co-permittee King County Division of Metropolitan Services
Snohomish County
Washington State Department of Transportation

Initially, only the entities listed above will be required to obtain coverage under this general permit. Additional entities owning or operating municipal separate storm sewers

within the referenced watershed management areas may be added in the future in response to federal or state requirements.

Who Must Apply:

Owners or operators of municipal separate storm sewers as listed above, and any other owners or operators of municipal separate storm sewers either required by ecology or U.S. EPA to obtain a permit or desiring coverage under this permit.

How to Apply:

Entities may obtain coverage under the general permit by completing and submitting the appropriate application, as required by special condition S4. of the permit, and completing and submitting a Notice of Intent (NOI) form, to:

Department of Ecology
Stormwater Management Unit
P.O. Box 47696
Olympia, WA 98504-7696

When to Apply:

The deadline for permit applicants listed in this notice to submit a Notice of Intent to ecology is 60 days after the effective date of this permit. The deadline for all other entities shall be in accordance with U.S. EPA regulations, or as prescribed by ecology.

Changes to the Final General Permit:

The following changes were made in response to comments received during the public review process:

Special condition S2. includes a statement clarifying that the permit does not authorize illicit discharges and also does not relieve entities responsible for illicit discharges from responsibilities and liabilities under applicable state and federal laws.

Changes were made to special condition S7. Stormwater Management Program, and to special condition S9. Program Modifications, to clarify how some of the provisions of these conditions apply to WSDOT since, as a state agency, it has different duties, powers and responsibilities from the other permittees and has jurisdiction over primarily one land use type -state highways.

Special condition S8.A., relating to Total Maximum Daily Loads (TMDLs), was changed to clarify the intent of the condition and to delete the automatic requirement for a formal program modification in the event of a TMDL. A formal modification is required only in the event of triggering one of the existing thresholds in special condition S9.A. Special condition S9. was changed to be consistent with the changes to special condition S8.

Special condition S9.F was deleted. This condition stated that ecology could require stormwater management program modifications after review of the permittee's annual report. Ecology deleted this condition since it is not necessary to make this statement in the permit. Ecology maintains it has the authority to require program modifications.

Changes were made to deadlines in special condition S11. The deadline for stormwater management program approval

for large municipalities was extended by two months, and for medium municipalities by one month. The deadlines for ecology to notify large and medium municipalities of program adequacy were both extended by one month. These deadlines were changed because the earlier deadlines assumed an earlier issuance date for the permit.

For More Information:

For more information on the general permit, or to obtain copies of the Notice of Intent, General Permit, Fact Sheet or Responses to Public Comments, call (360) 407-6457. Copies can also be obtained by going to the following address:

Department of Ecology
Ann Wessel
Water Quality Program
300 Desmond Drive
Lacey, WA

Appeals:

Pursuant to the provisions of chapter 43.21B RCW, any person feeling aggrieved by the department's action with respect to this general permit for municipal stormwater may file an appeal within 30 days of this notice. Appeals must be sent to:

Pollution Control Hearings Board
P.O. Box 40903
Lacey, WA 98504-0903

or hand delivered to 4224 - 6th Avenue S.E., Building 2, Rowe 6, Lacey, WA.

Concurrently, a copy of the appeal must be sent to:

The Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Any appeal must contain the following in accordance with the rules of the hearings board:

- a) The appellant's name and address;
- b) The date and number of the permit;
- c) A description of the substance of the permit that is the subject of the appeal;
- d) A clear, separate, and concise statement of every error alleged to have been committed;
- e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- f) A statement setting forth the relief sought.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Ann Wessel at (360) 407-6457 or (360) 407-6006 (TDD).

WSR 95-13-105
DEPARTMENT OF ECOLOGY
[Filed June 21, 1995, 11:29 a.m.]

ISSUANCE OF A GENERAL PERMIT FOR DISCHARGES
FROM MUNICIPAL SEPARATE STORM SEWERS FOR THE

**ISLAND/SNOHOMISH WATER QUALITY MANAGEMENT
AREA AND THE PORTION OF THE SKAGIT/
STILLAGUAMISH WATER QUALITY MANAGEMENT AREA
LOCATED IN SNOHOMISH COUNTY**

The Washington State Department of Ecology has made a decision to issue a national pollutant discharge elimination system and state waste discharge general permit to regulate stormwater discharges from municipal separate storm sewers in the Island/Snohomish water quality management area and the portion of the Skagit/Stillaguamish water quality management area located in Snohomish County. The issuance date of the permit is July 5, 1995. The effective date of the permit is August 4, 1995.

Ecology is issuing this permit under authority granted it by the State Water Pollution Control Act - Chapter 90.48 RCW. Applicable provisions of that statute include: RCW 90.48.030 Jurisdiction of department; RCW 90.48.162 Waste disposal permits required of counties, municipalities and public corporations; and RCW 90.48.260 Federal Clean Water Act - Department designated as state agency, authority - Powers, duties, and functions.

This permit is being issued to meet the requirements of state statute and regulation, including the requirements of chapter 173-200 WAC, Water quality standards for ground waters, chapter 173-201 WAC, Water quality standards for surface waters, and chapter 173-204 WAC, Sediment management standards. The permit is also being issued to meet the requirements of section 402(p) of the Federal Clean Water Act and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations (CFR), Part 122, published in the federal register on November 16, 1990).

Geographic Area of Coverage:

This general permit will cover the Island/Snohomish water quality management area, previously defined by ecology, and the portions of the Skagit/Stillaguamish water quality management area that are located in Snohomish County. A map of the geographic area of coverage is included in the fact sheet to the permit.

Dischargers Needing Permits:

The permittees named for this area are as follows:

King County
Snohomish County
Washington State Department of Transportation

Initially, only the entities listed above will be required to obtain coverage under this general permit. Additional entities owning or operating municipal separate storm sewers within the referenced watershed management areas may be added in the future in response to federal or state requirements.

Who Must Apply:

Owners or operators of municipal separate storm sewers as listed above, and any other owners or operators of municipal separate storm sewers either required by ecology or U.S. EPA to obtain a permit or desiring coverage under this permit.

How to Apply:

Entities may obtain coverage under the general permit by completing and submitting the appropriate application, as required by special condition S4. of the permit, and completing and submitting a Notice of Intent (NOI) form, to:

Department of Ecology
Stormwater Management Unit
P.O. Box 47696
Olympia, WA 98504-7696

When to Apply:

The deadline for permit applicants listed in this notice to submit a Notice of Intent to ecology is 60 days after the effective date of this permit. The deadline for all other entities shall be in accordance with U.S. EPA regulations, or as prescribed by ecology.

Changes to the Final General Permit:

The following changes were made in response to comments received during the public review process:

Special condition S2. includes a statement clarifying that the permit does not authorize illicit discharges and also does not relieve entities responsible for illicit discharges from responsibilities and liabilities under applicable state and federal laws.

Changes were made to special condition S7., Stormwater Management Program, and to special condition S9., Program Modifications, to clarify how some of the provisions of these conditions apply to WSDOT since, as a state agency, it has different duties, powers and responsibilities from the other permittees and has jurisdiction over primarily one land use type - state highways.

Special condition S8.A., relating to Total Maximum Daily Loads (TMDLs), was changed to clarify the intent of the condition and to delete the automatic requirement for a formal program modification in the event of a TMDL. A formal modification is required only in the event of triggering one of the existing thresholds in special condition S9.A. Special condition S9. was changed to be consistent with the changes to special condition S8.

Special condition S9.F was deleted. This condition stated that ecology could require stormwater management program modifications after review of the permittee's annual report. Ecology deleted this condition since it is not necessary to make this statement in the permit. Ecology maintains it has the authority to require program modifications.

Changes were made to deadlines in special condition S11. The deadline for stormwater management program approval for large municipalities was extended by two months, and for medium municipalities by one month. The deadlines for ecology to notify large and medium municipalities of program adequacy were both extended by one month. These deadlines were changed because the earlier deadlines assumed an earlier issuance date for the permit.

For More Information:

For more information on the general permit, or to obtain copies of the Notice of Intent, General Permit, Fact Sheet, or

Responses to Public Comments call (360) 407-6457. Copies can also be obtained by going to the following address:

Department of Ecology
Ann Wessel
Water Quality Program
300 Desmond Drive
Lacey, WA

Appeals:

Pursuant to the provisions of chapter 43.21B RCW, any person feeling aggrieved by the department's action with respect to this general permit for municipal stormwater may file an appeal within 30 days of this notice. Appeals must be sent to:

Pollution Control Hearings Board
P.O. Box 40903
Lacey, WA 98504-0903

or hand delivered to 4224 - 6th Avenue S.E., Building 2, Rowe 6, Lacey, WA

Concurrently, a copy of the appeal must be sent to:

The Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Any appeal must contain the following in accordance with the rules of the hearings board:

- a) The appellant's name and address;
- b) The date and number of the permit;
- c) A description of the substance of the permit that is the subject of the appeal;
- d) A clear, separate, and concise statement of every error alleged to have been committed;
- e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- f) A statement setting forth the relief sought.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Ann Wessel at (360) 407-6457 or (360) 407-6006 (TDD).

WSR 95-13-106
DEPARTMENT OF ECOLOGY

[Filed June 21, 1995, 11:30 a.m.]

**ISSUANCE OF A GENERAL PERMIT FOR DISCHARGES
FROM MUNICIPAL SEPARATE STORM SEWERS FOR THE
SOUTH PUGET SOUND WATER QUALITY MANAGEMENT
AREA AND THE PORTION OF THE KITSAP WATER
QUALITY MANAGEMENT AREA LOCATED IN PIERCE
COUNTY**

The Washington State Department of Ecology has decided to issue a national pollutant discharge elimination system and state waste discharge general permit to regulate stormwater discharges from municipal separate storm sewers in the South Puget Sound water quality management area and the portion of the Kitsap water quality management area located

in Pierce County. The issuance date of the permit is July 5, 1995. The effective date of the permit is August 4, 1995.

Ecology is issuing this permit under authority granted it by the State Water Pollution Control Act - Chapter 90.48 RCW. Applicable provisions of that statute include: RCW 90.48.030 Jurisdiction of department; RCW 90.48.162 Waste disposal permits required of counties, municipalities and public corporations; and RCW 90.48.260 Federal Clean Water Act - Department designated as state agency, authority - Powers, duties, and functions.

This permit is being issued to meet the requirements of state statute and regulation, including the requirements of chapter 173-200 WAC, Water quality standards for ground waters, chapter 173-201 WAC, Water quality standards for surface waters, and chapter 173-204 WAC, Sediment management standards. The permit is also being issued to meet the requirements of section 402(p) of the Federal Clean Water Act and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations (CFR), Part 122, published in the federal register on November 16, 1990).

Geographic Area of Coverage:

This general permit will cover the South Puget Sound water quality management area, previously defined by ecology, and the portions of the Kitsap water quality management area that are located in Pierce County. A map of the geographic area of coverage is included in the fact sheet to the permit.

Individual Permit for the City of Tacoma:

In February, 1995, the department announced its intent to issue an individual municipal stormwater permit to the city of Tacoma. The department no longer intends to issue an individual permit. The city of Tacoma will obtain coverage under this general permit for the South Puget Sound water quality management area.

Dischargers Needing Permits:

The permittees named for this area are as follows:

The City of Tacoma
King County
Pierce County
Washington State Department of Transportation

Initially, only the entities listed above will be required to obtain coverage under this general permit. Additional entities owning or operating municipal separate storm sewers within the referenced watershed management areas may be added in the future in response to federal or state requirements.

Who Must Apply:

Owners or operators of municipal separate storm sewers as listed above, and any other owners or operators of municipal separate storm sewers either required by ecology or U.S. EPA to obtain a permit or desiring coverage under this permit.

How to Apply:

Entities may obtain coverage under the general permit by completing and submitting the appropriate application, as

required by special condition S4. of the permit, and completing and submitting a Notice of Intent (NOI) form, to:

Department of Ecology
Stormwater Management Unit
P.O. Box 47696
Olympia, WA 98504-7696

When to Apply:

The deadline for permit applicants listed in this notice to submit a Notice of Intent to ecology is 60 days after the effective date of this permit. The deadline for all other entities shall be in accordance with U.S. EPA regulations, or as prescribed by ecology.

Changes to the Final General Permit:

The following changes were made in response to comments received during the public review process:

Special condition S2. includes a statement clarifying that the permit does not authorize illicit discharges and also does not relieve entities responsible for illicit discharges from responsibilities and liabilities under applicable state and federal laws.

A new section D was added to Special Condition S2. It states that the permit does not authorize stormwater discharges to waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation. Because the tribe has adopted their own water quality standards, authorization over discharges to the above tribal lands lies with the U.S. EPA, or the tribe.

Changes were made to special condition S7., Stormwater Management Program, and to special condition S9., Program Modifications, to clarify how some of the provisions of these conditions apply to WSDOT since, as a state agency, it has different duties, powers and responsibilities from the other permittees and has jurisdiction over primarily one land use type - state highways.

Special condition S8.A., relating to Total Maximum Daily Loads (TMDLs), was changed to clarify the intent of the condition and to delete the automatic requirement for a formal program modification in the event of a TMDL. A formal modification is required only in the event of triggering one of the existing thresholds in special condition S9.A. Special condition S9. was changed to be consistent with the changes to special condition S8.

Special condition S9.F was deleted. This condition stated that ecology could require stormwater management program modifications after review of the permittee's annual report. Ecology deleted this condition since it is not necessary to make this statement in the permit. Ecology maintains it has the authority to require program modifications.

Changes were made to deadlines in special condition S11. The deadline for stormwater management program approval for large municipalities was extended by two months, and for medium municipalities by one month. The deadlines for ecology to notify large and medium municipalities of program adequacy were both extended by one month. These deadlines were changed because the earlier deadlines assumed an earlier issuance date for the permit.

A new condition, special condition S12. was added to require a specific stormwater management program for areas draining to the Thea Foss Waterway in the city of Tacoma. This condition was added in response to concerns from U.S. EPA and in recognition of the need to control potential sources of contamination to the waterway before commencing clean-up of contaminated sediments.

For More Information:

For more information on the general permit, or to obtain copies of the Notice of Intent, General Permit, Fact Sheet or, Responses to Public Comments, call (360) 407-6457. Copies can also be obtained by going to the following address:

Department of Ecology
Ann Wessel
Water Quality Program
300 Desmond Drive
Lacey, WA

Appeals:

Pursuant to the provisions of chapter 43.21B RCW, any person feeling aggrieved by the department's action with respect to this general permit for municipal stormwater may file an appeal within 30 days of this notice. Appeals must be sent to:

Pollution Control Hearings Board
P.O. Box 40903
Lacey, WA 98504-0903

or hand delivered to 4224 - 6th Avenue S.E., Building 2, Rowe 6, Lacey, WA

Concurrently, a copy of the appeal must be sent to:

The Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Any appeal must contain the following in accordance with the rules of the hearings board:

- a) The appellant's name and address;
- b) The date and number of the permit;
- c) A description of the substance of the permit that is the subject of the appeal;
- d) A clear, separate, and concise statement of every error alleged to have been committed;
- e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- f) A statement setting forth the relief sought.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Ann Wessel at (360) 407-6457 or (360) 407-6006 (TDD).

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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16-158-080	AMD-P	95-10-098	16-166-080	REP	95-13-074	16-585-060	NEW-P	95-05-071
16-158-080	AMD	95-13-072	16-166-090	REP-P	95-10-100	16-585-070	NEW-P	95-05-071
16-158-090	AMD-P	95-10-098	16-166-090	REP	95-13-074	16-585-080	NEW-P	95-05-071
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30-01-020	AMD-P	95-12-098	30-22-020	NEW-P	95-12-098
30-01-030	REP-P	95-12-098	30-22-030	NEW-P	95-12-098
30-01-040	AMD-P	95-12-098	30-22-040	NEW-P	95-12-098
30-01-050	AMD-P	95-12-098	30-22-050	NEW-P	95-12-098
30-01-060	AMD-P	95-12-098	30-22-060	NEW-P	95-12-098
30-02-010	NEW-P	95-12-098	30-22-070	NEW-P	95-12-098
30-04-040	AMD-P	95-12-098	30-22-080	NEW-P	95-12-098
30-04-050	AMD-P	95-12-098	30-22-090	NEW-P	95-12-098
30-04-060	AMD-P	95-12-098	30-24-010	REP-P	95-12-098
30-04-090	AMD-P	95-12-098	30-24-020	REP-P	95-12-098
30-04-100	REP-P	95-12-098	30-24-030	REP-P	95-12-098
30-04-110	REP-P	95-12-098	30-24-040	REP-P	95-12-098
30-08-030	AMD-P	95-12-098	30-24-050	REP-P	95-12-098
30-08-040	AMD-P	95-12-098	30-24-060	REP-P	95-12-098
30-12-010	AMD-P	95-12-098	30-24-070	REP-P	95-12-098
30-12-020	REP-P	95-12-098	30-24-080	REP-P	95-12-098
30-12-030	AMD-P	95-12-098	30-24-090	REP-P	95-12-098
30-12-050	AMD-P	95-12-098	30-24-100	REP-P	95-12-098
30-12-060	AMD-P	95-12-098	30-26-010	NEW-P	95-12-098
30-12-070	REP-P	95-12-098	30-26-020	NEW-P	95-12-098
30-12-080	AMD-P	95-12-098	30-26-030	NEW-P	95-12-098
30-12-090	AMD-P	95-12-098	30-26-040	NEW-P	95-12-098
30-12-100	AMD-P	95-12-098	30-26-050	NEW-P	95-12-098
30-12-120	REP-P	95-12-098	30-26-060	NEW-P	95-12-098
30-12-140	REP-P	95-12-098	30-26-070	NEW-P	95-12-098
30-12-160	AMD-P	95-12-098	30-26-080	NEW-P	95-12-098
30-14-010	NEW-P	95-12-098	30-26-090	NEW-P	95-12-098
30-14-020	NEW-P	95-12-098	30-28-010	REP-P	95-12-098
30-14-030	NEW-P	95-12-098	30-28-020	REP-P	95-12-098
30-14-040	NEW-P	95-12-098	30-28-030	REP-P	95-12-098
30-14-050	NEW-P	95-12-098	30-28-040	REP-P	95-12-098
30-14-060	NEW-P	95-12-098	30-32-010	REP-P	95-12-098
30-14-070	NEW-P	95-12-098	30-32-020	REP-P	95-12-098
30-14-080	NEW-P	95-12-098	30-32-030	REP-P	95-12-098
30-14-090	NEW-P	95-12-098	30-32-040	REP-P	95-12-098
30-14-100	NEW-P	95-12-098	30-32-050	REP-P	95-12-098
30-14-110	NEW-P	95-12-098	30-32-060	REP-P	95-12-098
30-16-010	REP-P	95-12-098	30-32-070	REP-P	95-12-098
30-16-020	REP-P	95-12-098	30-32-080	REP-P	95-12-098
30-16-030	REP-P	95-12-098	30-36-010	REP-P	95-12-098
30-16-040	REP-P	95-12-098	30-36-020	REP-P	95-12-098
30-16-050	REP-P	95-12-098	30-36-030	REP-P	95-12-098
30-16-060	REP-P	95-12-098	30-36-040	REP-P	95-12-098
30-16-070	REP-P	95-12-098	30-36-050	REP-P	95-12-098
30-16-080	REP-P	95-12-098	30-36-060	REP-P	95-12-098
30-16-090	REP-P	95-12-098	30-36-070	REP-P	95-12-098
30-16-100	REP-P	95-12-098	30-36-080	REP-P	95-12-098
30-16-110	REP-P	95-12-098	30-36-090	REP-P	95-12-098
30-16-120	REP-P	95-12-098	30-36-100	REP-P	95-12-098
30-18-010	NEW-P	95-12-098	30-36-110	REP-P	95-12-098
30-18-020	NEW-P	95-12-098	30-40-020	AMD-P	95-12-098
30-18-030	NEW-P	95-12-098	30-40-030	REP-P	95-12-098
30-18-040	NEW-P	95-12-098	30-40-050	AMD-P	95-12-098
30-18-050	NEW-P	95-12-098	30-40-060	AMD-P	95-12-098
30-18-060	NEW-P	95-12-098	30-40-070	AMD-P	95-12-098
30-18-070	NEW-P	95-12-098	30-40-080	AMD-P	95-12-098
30-18-080	NEW-P	95-12-098	30-40-090	AMD-P	95-12-098
30-18-090	NEW-P	95-12-098	30-44	AMD-P	95-12-098
30-18-100	NEW-P	95-12-098	30-44-010	AMD-P	95-12-098
30-18-110	NEW-P	95-12-098	30-44-020	AMD-P	95-12-098
30-20-010	REP-P	95-12-098	30-44-030	AMD-P	95-12-098
30-20-020	REP-P	95-12-098	30-44-040	AMD-P	95-12-098
30-20-030	REP-P	95-12-098	30-44-050	AMD-P	95-12-098
30-20-040	REP-P	95-12-098	30-44-060	NEW-P	95-12-098
30-48-010	REP-P	95-12-098			
30-48-020	REP-P	95-12-098			
30-48-030	REP-P	95-12-098			
30-48-040	REP-P	95-12-098			
30-48-050	REP-P	95-12-098			
30-48-060	REP-P	95-12-098			
30-48-070	REP-P	95-12-098			
50-20	PREP	95-13-090			
50-60-010	AMD-P	95-05-084			
50-60-010	AMD	95-13-091			
50-60-020	AMD-P	95-05-084			
50-60-020	AMD	95-13-091			
50-60-030	AMD-P	95-05-084			
50-60-030	AMD	95-13-091			
50-60-035	NEW-P	95-05-084			
50-60-035	NEW	95-13-091			
50-60-040	AMD-P	95-05-084			
50-60-040	AMD	95-13-091			
50-60-042	NEW-P	95-05-084			
50-60-042	NEW	95-13-091			
50-60-045	AMD-P	95-05-084			
50-60-045	AMD	95-13-091			
50-60-050	AMD-P	95-05-084			
50-60-050	AMD	95-13-091			
50-60-060	AMD-P	95-05-084			
50-60-060	AMD	95-13-091			
50-60-070	AMD-P	95-05-084			
50-60-070	AMD	95-13-091			
50-60-080	AMD-P	95-05-084			
50-60-080	AMD	95-13-091			
50-60-08001	NEW-P	95-05-084			
50-60-08002	NEW-P	95-05-084			
50-60-08003	NEW-P	95-05-084			
50-60-08004	NEW-P	95-05-084			
50-60-08005	NEW-P	95-05-084			
50-60-08005	NEW	95-13-091			
50-60-08006	NEW-P	95-05-084			
50-60-08007	NEW-P	95-05-084			
50-60-08008	NEW-P	95-05-084			
50-60-08010	NEW	95-13-091			
50-60-08015	NEW	95-13-091			
50-60-08020	NEW	95-13-091			
50-60-08025	NEW	95-13-091			
50-60-08030	NEW	95-13-091			
50-60-08035	NEW	95-13-091			
50-60-08040	NEW	95-13-091			
50-60-09001	NEW-P	95-05-084			
50-60-09002	NEW-P	95-05-084			
50-60-09003	NEW-P	95-05-084			
50-60-09004	NEW-P	95-05-084			
50-60-09005	NEW	95-13-091			
50-60-09010	NEW	95-13-091			
50-60-09015	NEW	95-13-091			
50-60-09020	NEW	95-13-091			
50-60-100	AMD-P	95-05-084			
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50-60-110	AMD-P	95-05-084			
50-60-110	AMD	95-13-091			
50-60-120	AMD-P	95-05-084			
50-60-120	AMD	95-13-091			
50-60-125	NEW-P	95-05-084			
50-60-125	NEW	95-13-091			
50-60-130	AMD-P	95-05-084			
50-60-130	AMD	95-13-091			
50-60-140	AMD-P	95-05-084			
50-60-140	AMD	95-13-091			
50-60-145	NEW	95-13-091			
50-60-150	AMD-P	95-05-084			
50-60-150	AMD	95-13-091			
50-60-160	AMD-P	95-05-084			
50-60-160	AMD	95-13-091			
50-60-165	AMD-P	95-05-084			
50-60-165	AMD	95-13-091			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-21-001	REP	95-11-107	51-24-04123	REP-P	95-04-106	51-24-80402	REP	95-11-107
51-21-002	REP-P	95-04-106	51-24-04123	REP	95-11-107	51-24-99500	REP-P	95-04-106
51-21-002	REP	95-11-107	51-24-09000	REP-P	95-04-106	51-24-99500	REP	95-11-107
51-21-003	REP-P	95-04-106	51-24-09000	REP	95-11-107	51-24-99510	REP-P	95-04-106
51-21-003	REP	95-11-107	51-24-09105	REP-P	95-04-106	51-24-99510	REP	95-11-107
51-21-007	REP-P	95-04-106	51-24-09105	REP	95-11-107	51-25	PREP	95-03-086
51-21-007	REP	95-11-107	51-24-09107	REP-P	95-04-106	51-25-001	REP-P	95-04-106
51-21-008	REP-P	95-04-106	51-24-09107	REP	95-11-107	51-25-001	REP	95-11-107
51-21-008	REP	95-11-107	51-24-09110	REP-P	95-04-106	51-25-002	REP-P	95-04-106
51-21-31010	REP-P	95-04-106	51-24-09110	REP	95-11-107	51-25-002	REP	95-11-107
51-21-31010	REP	95-11-107	51-24-09117	REP-P	95-04-106	51-25-003	REP-P	95-04-106
51-21-38030	REP-P	95-04-106	51-24-09117	REP	95-11-107	51-25-003	REP	95-11-107
51-21-38030	REP	95-11-107	51-24-10000	REP-P	95-04-106	51-25-007	REP-P	95-04-106
51-21-38038	REP-P	95-04-106	51-24-10000	REP	95-11-107	51-25-007	REP	95-11-107
51-21-38038	REP	95-11-107	51-24-10201	REP-P	95-04-106	51-25-008	REP-P	95-04-106
51-21-38039	REP-P	95-04-106	51-24-10201	REP	95-11-107	51-25-008	REP	95-11-107
51-21-38039	REP	95-11-107	51-24-10507	REP-P	95-04-106	51-30-0311	NEW-W	95-05-055
51-22	PREP	95-03-086	51-24-10507	REP	95-11-107	51-30-0417	NEW-W	95-05-055
51-22-001	REP-P	95-04-106	51-24-25000	REP-P	95-04-106	51-30-0502	NEW-W	95-05-055
51-22-001	REP	95-11-107	51-24-25000	REP	95-11-107	51-34-7901	NEW-W	95-05-054
51-22-002	REP-P	95-04-106	51-24-25107	REP-P	95-04-106	51-35-09000	NEW-W	95-05-054
51-22-002	REP	95-11-107	51-24-25107	REP	95-11-107	51-35-52404	NEW-W	95-05-054
51-22-003	REP-P	95-04-106	51-24-45000	REP-P	95-04-106	51-35-52411	NEW-W	95-05-054
51-22-003	REP	95-11-107	51-24-45000	REP	95-11-107	51-35-52417	NEW-W	95-05-054
51-22-004	REP-P	95-04-106	51-24-45211	REP-P	95-04-106	51-35-52501	NEW-W	95-05-054
51-22-004	REP	95-11-107	51-24-45211	REP	95-11-107	51-35-52502	NEW-W	95-05-054
51-22-005	REP-P	95-04-106	51-24-78000	REP-P	95-04-106	51-35-52503	NEW-W	95-05-054
51-22-005	REP	95-11-107	51-24-78000	REP	95-11-107	51-35-52504	NEW-W	95-05-054
51-22-007	REP-P	95-04-106	51-24-78201	REP-P	95-04-106	51-35-52505	NEW-W	95-05-054
51-22-007	REP	95-11-107	51-24-78201	REP	95-11-107	51-35-52506	NEW-W	95-05-054
51-22-008	REP-P	95-04-106	51-24-79000	REP-P	95-04-106	51-35-52507	NEW-W	95-05-054
51-22-008	REP	95-11-107	51-24-79000	REP	95-11-107	51-35-52508	NEW-W	95-05-054
51-22-0400	REP-P	95-04-106	51-24-79601	REP-P	95-04-106	51-35-52509	NEW-W	95-05-054
51-22-0400	REP	95-11-107	51-24-79601	REP	95-11-107	55-01	PREP	95-04-058
51-22-0423	REP-P	95-04-106	51-24-79603	REP-P	95-04-106	55-01-010	AMD-E	95-04-075
51-22-0423	REP	95-11-107	51-24-79603	REP	95-11-107	55-01-010	AMD-E	95-12-016
51-22-0500	REP-P	95-04-106	51-24-79809	REP-P	95-04-106	55-01-020	AMD-E	95-04-075
51-22-0500	REP	95-11-107	51-24-79809	REP	95-11-107	55-01-020	AMD-E	95-12-016
51-22-0504	REP-P	95-04-106	51-24-79901	REP-P	95-04-106	55-01-030	AMD-E	95-04-075
51-22-0504	REP	95-11-107	51-24-79901	REP	95-11-107	55-01-030	AMD-E	95-12-016
51-22-0800	REP-P	95-04-106	51-24-80000	REP-P	95-04-106	55-01-040	AMD-E	95-04-075
51-22-0800	REP	95-11-107	51-24-80000	REP	95-11-107	55-01-040	AMD-E	95-12-016
51-22-0807	REP-P	95-04-106	51-24-80101	REP-P	95-04-106	55-01-050	AMD-E	95-04-075
51-22-0807	REP	95-11-107	51-24-80101	REP	95-11-107	55-01-050	AMD-E	95-12-016
51-22-1000	REP-P	95-04-106	51-24-80103	REP-P	95-04-106	55-01-060	AMD-E	95-04-075
51-22-1000	REP	95-11-107	51-24-80103	REP	95-11-107	55-01-060	AMD-E	95-12-016
51-22-1002	REP-P	95-04-106	51-24-80108	REP-P	95-04-106	55-01-070	AMD-E	95-04-075
51-22-1002	REP	95-11-107	51-24-80108	REP	95-11-107	55-01-070	AMD-E	95-12-016
51-22-1100	REP-P	95-04-106	51-24-80109	REP-P	95-04-106	60-12-010	PREP	95-04-090
51-22-1100	REP	95-11-107	51-24-80109	REP	95-11-107	60-12-010	AMD-P	95-06-085
51-22-1104	REP-P	95-04-106	51-24-80110	REP-P	95-04-106	60-12-010	AMD	95-10-097
51-22-1104	REP	95-11-107	51-24-80110	REP	95-11-107	67-25-005	AMD	95-06-057
51-22-1500	REP-P	95-04-106	51-24-80111	REP-P	95-04-106	67-25-010	AMD	95-06-057
51-22-1500	REP	95-11-107	51-24-80111	REP	95-11-107	67-25-015	AMD	95-06-057
51-22-1508	REP-P	95-04-106	51-24-80113	REP-P	95-04-106	67-25-020	AMD	95-06-057
51-22-1508	REP	95-11-107	51-24-80113	REP	95-11-107	67-25-025	AMD	95-06-057
51-22-1900	REP-P	95-04-106	51-24-80114	REP-P	95-04-106	67-25-030	AMD	95-06-057
51-22-1900	REP	95-11-107	51-24-80114	REP	95-11-107	67-25-050	AMD	95-06-057
51-22-1903	REP-P	95-04-106	51-24-80120	REP-P	95-04-106	67-25-055	AMD	95-06-057
51-22-1903	REP	95-11-107	51-24-80120	REP	95-11-107	67-25-056	NEW	95-06-057
51-24	PREP	95-03-086	51-24-80202	REP-P	95-04-106	67-25-070	AMD	95-06-057
51-24-001	REP-P	95-04-106	51-24-80202	REP	95-11-107	67-25-075	AMD	95-06-057
51-24-001	REP	95-11-107	51-24-80301	REP-P	95-04-106	67-25-077	AMD	95-06-057
51-24-002	REP-P	95-04-106	51-24-80301	REP	95-11-107	67-25-080	AMD	95-06-057
51-24-002	REP	95-11-107	51-24-80303	REP-P	95-04-106	67-25-085	AMD	95-06-057
51-24-003	REP-P	95-04-106	51-24-80303	REP	95-11-107	67-25-090	AMD	95-06-057
51-24-003	REP	95-11-107	51-24-80305	REP-P	95-04-106	67-25-095	AMD	95-06-057
51-24-007	REP-P	95-04-106	51-24-80305	REP	95-11-107	67-25-100	AMD	95-06-057
51-24-007	REP	95-11-107	51-24-80315	REP-P	95-04-106	67-25-105	REP	95-06-057
51-24-008	REP-P	95-04-106	51-24-80315	REP	95-11-107	67-25-110	AMD	95-06-057
51-24-008	REP	95-11-107	51-24-80401	REP-P	95-04-106	67-25-120	REP	95-06-057
51-24-04000	REP-P	95-04-106	51-24-80401	REP	95-11-107	67-25-255	AMD	95-06-057
51-24-04000	REP	95-11-107	51-24-80402	REP-P	95-04-106	67-25-257	AMD	95-06-057

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
67-25-260	AMD	95-06-057	130-10	PREP	95-06-051A	132G-126-030	REP	95-07-103
67-25-270	AMD	95-06-057	131-12-010	AMD-E	95-10-012	132G-126-040	REP-P	95-04-008
67-25-275	AMD	95-06-057	131-12-010	PREP	95-10-017	132G-126-040	REP	95-07-103
67-25-280	AMD	95-06-057	131-12-010	AMD-P	95-10-018	132G-126-050	REP-P	95-04-008
67-25-281	REP	95-06-057	131-12-010	AMD-C	95-13-005	132G-126-050	REP	95-07-103
67-25-284	NEW	95-06-057	131-12-010	AMD	95-13-068	132G-126-060	REP-P	95-04-008
67-25-288	NEW	95-06-057	131-16-005	PREP	95-05-026	132G-126-060	REP	95-07-103
67-25-300	AMD	95-06-057	131-16-005	REP-P	95-06-064	132G-126-070	REP-P	95-04-008
67-25-325	AMD	95-06-057	131-16-005	REP	95-10-014	132G-126-070	REP	95-07-103
67-25-326	AMD	95-06-057	131-16-056	PREP	95-10-087	132G-126-080	REP-P	95-04-008
67-25-350	AMD	95-06-057	131-16-056	NEW-P	95-10-089	132G-126-080	REP	95-07-103
67-25-360	AMD	95-06-057	131-16-056	NEW-C	95-13-006	132G-126-200	REP-P	95-04-008
67-25-380	AMD	95-06-057	131-16-056	NEW	95-13-069	132G-126-200	REP	95-07-103
67-25-384	AMD	95-06-057	131-28	AMD-C	95-13-007	132G-126-210	REP-P	95-04-008
67-25-385	REP	95-06-057	131-28-010	AMD-E	95-07-004	132G-126-210	REP	95-07-103
67-25-388	AMD	95-06-057	131-28-010	PREP	95-10-088	132G-126-220	REP-P	95-04-008
67-25-390	AMD	95-06-057	131-28-010	AMD-P	95-10-090	132G-126-220	REP	95-07-103
67-25-392	REP	95-06-057	131-28-010	AMD	95-13-070	132G-126-230	REP-P	95-04-008
67-25-394	AMD	95-06-057	131-28-015	AMD-E	95-07-004	132G-126-230	REP	95-07-103
67-25-396	AMD	95-06-057	131-28-015	PREP	95-10-088	132G-126-240	REP-P	95-04-008
67-25-398	NEW	95-06-057	131-28-015	AMD-P	95-10-090	132G-126-240	REP	95-07-103
67-25-399	NEW	95-06-057	131-28-015	AMD	95-13-070	132G-126-250	REP-P	95-04-008
67-25-400	AMD	95-06-057	131-28-021	AMD-E	95-07-004	132G-126-250	REP	95-07-103
67-25-404	AMD	95-06-057	131-28-021	PREP	95-10-088	132G-126-260	REP-P	95-04-008
67-25-408	AMD	95-06-057	131-28-021	AMD-P	95-10-090	132G-126-260	REP	95-07-103
67-25-412	AMD	95-06-057	131-28-021	AMD	95-13-070	132G-126-270	REP-P	95-04-008
67-25-416	AMD	95-06-057	131-28-025	AMD-E	95-07-004	132G-126-270	REP	95-07-103
67-25-418	NEW	95-06-057	131-28-025	PREP	95-10-088	132G-126-280	REP-P	95-04-008
67-25-420	REP	95-06-057	131-28-025	AMD-P	95-10-090	132G-126-280	REP	95-07-103
67-25-428	REP	95-06-057	131-28-025	AMD	95-13-070	132G-126-290	REP-P	95-04-008
67-25-432	AMD	95-06-057	131-28-02501	NEW-E	95-07-004	132G-126-290	REP	95-07-103
67-25-436	NEW	95-06-057	131-28-02501	PREP	95-10-088	132G-126-300	REP-P	95-04-008
67-25-440	AMD	95-06-057	131-28-02501	NEW-P	95-10-090	132G-126-300	REP	95-07-103
67-25-444	AMD	95-06-057	131-28-02501	NEW	95-13-070	132G-126-310	REP-P	95-04-008
67-25-446	AMD	95-06-057	131-28-026	AMD-E	95-07-004	132G-126-310	REP	95-07-103
67-25-448	AMD	95-06-057	131-28-026	PREP	95-10-088	132G-126-320	REP-P	95-04-008
67-25-452	AMD	95-06-057	131-28-026	AMD-P	95-10-090	132G-126-320	REP	95-07-103
67-25-500	REP	95-06-057	131-28-026	AMD	95-13-070	132G-126-330	REP-P	95-04-008
67-25-505	REP	95-06-057	131-28-028	REP-E	95-07-004	132G-126-330	REP	95-07-103
67-25-510	REP	95-06-057	131-28-028	PREP	95-10-088	132G-126-340	REP-P	95-04-008
67-25-525	REP	95-06-057	131-28-028	REP-P	95-10-090	132G-126-340	REP	95-07-103
67-25-530	REP	95-06-057	131-28-028	REP	95-13-070	132G-126-350	REP-P	95-04-008
67-25-540	AMD	95-06-057	131-28-030	AMD-E	95-07-004	132G-126-350	REP	95-07-103
67-25-545	AMD	95-06-057	131-28-030	PREP	95-10-088	132G-126-360	REP-P	95-04-008
67-25-550	AMD	95-06-057	131-28-030	AMD-P	95-10-090	132G-126-360	REP	95-07-103
67-25-560	AMD	95-06-057	131-28-030	AMD	95-13-070	132G-126-370	REP-P	95-04-008
67-25-570	AMD	95-06-057	131-28-040	AMD-E	95-07-004	132G-126-370	REP	95-07-103
67-25-590	AMD	95-06-057	131-28-040	PREP	95-10-088	132G-126-380	REP-P	95-04-008
67-35-030	PREP	95-04-012	131-28-040	AMD-P	95-10-090	132G-126-380	REP	95-07-103
67-35-030	AMD-P	95-05-040	131-28-040	AMD	95-13-070	132G-126-390	REP-P	95-04-008
67-35-030	AMD	95-12-007	131-28-045	AMD-E	95-07-004	132G-126-390	REP	95-07-103
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67-35-210	AMD-P	95-05-040	131-28-045	AMD-P	95-10-090	132G-126-400	REP	95-07-103
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67-35-215	NEW-P	95-05-040	131-28-080	PREP	95-10-088	132I-130-030	NEW-P	95-06-083
67-35-215	NEW	95-12-007	131-28-080	AMD-P	95-10-090	132I-130-030	NEW	95-09-072
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67-35-220	AMD-P	95-05-040	131-28-085	AMD-E	95-07-004	132I-160-110	AMD-P	95-11-102
67-35-220	AMD	95-12-007	131-28-085	PREP	95-10-088	132K-120	PREP	95-11-136
67-35-230	PREP	95-04-012	131-28-085	AMD-P	95-10-090	132K-120-005	REP-P	95-12-103
67-35-230	AMD-P	95-05-040	131-28-085	AMD	95-13-070	132K-120-010	REP-P	95-12-103
67-35-230	AMD	95-12-007	131-28-090	AMD-E	95-07-004	132K-120-015	REP-P	95-12-103
67-35-350	PREP	95-04-012	131-28-090	PREP	95-10-088	132K-120-020	REP-P	95-12-103
67-35-350	REP-P	95-05-040	131-28-090	AMD-P	95-10-090	132K-120-025	REP-P	95-12-103
67-35-350	REP	95-12-007	131-28-090	AMD	95-13-070	132K-120-030	REP-P	95-12-103
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67-35-360	AMD-P	95-05-040	131-46-135	NEW	95-10-013	132K-120-040	REP-P	95-12-103
67-35-360	AMD	95-12-007	132G-126-010	REP-P	95-04-008	132K-120-045	REP-P	95-12-103
67-35-430	PREP	95-04-012	132G-126-010	REP	95-07-103	132K-120-050	REP-P	95-12-103
67-35-430	AMD-P	95-05-040	132G-126-020	REP-P	95-04-008	132K-120-055	REP-P	95-12-103
67-35-430	AMD	95-12-007	132G-126-020	REP	95-07-103	132K-120-060	REP-P	95-12-103
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132K-120-080	REP-P	95-12-103	173-12-040	REP	95-09-036	173-303-283	AMD-P	95-11-113
132K-120-085	REP-P	95-12-103	173-12-050	REP-P	95-05-065	173-303-290	AMD-P	95-11-113
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133-20-120	AMD-P	95-13-078	173-19-420	AMD-P	95-11-089	173-303-646	AMD-P	95-11-113
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173-06-010	REP	95-07-058	173-303-110	AMD-P	95-11-113	173-303-830	AMD-P	95-11-113
173-06-020	REP-P	95-03-081	173-303-120	AMD-P	95-11-113	173-303-840	AMD-P	95-11-113
173-06-020	REP	95-07-058	173-303-140	AMD-P	95-11-113	173-303-902	AMD-P	95-11-113
173-06-030	REP-P	95-03-081	173-303-141	AMD-P	95-11-113	173-303-905	AMD-P	95-11-113
173-06-030	REP	95-07-058	173-303-145	AMD-P	95-11-113	173-303-910	AMD-P	95-11-113
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173-06-130	NEW-P	95-03-081	173-303-210	AMD-P	95-11-113	173-360-130	AMD	95-04-102
173-06-130	NEW	95-07-058	173-303-220	AMD-P	95-11-113	173-360-190	AMD	95-04-102
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173-12-010	REP	95-09-036	173-303-250	AMD-P	95-11-113	173-360-305	AMD	95-04-102
173-12-020	REP-P	95-05-065	173-303-260	AMD-P	95-11-113	173-360-310	AMD	95-04-102
173-12-020	REP	95-09-036	173-303-270	AMD-P	95-11-113	173-360-320	AMD	95-04-102
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173-360-345	AMD	95-04-102	174-116-020	AMD-P	95-07-132	180-77-002	NEW-P	95-08-058
173-360-350	AMD	95-04-102	174-116-030	PREP	95-05-010	180-77-002	NEW	95-12-056
173-360-370	AMD	95-04-102	174-116-030	AMD-P	95-07-132	180-77-003	AMD-P	95-08-058
173-360-380	AMD	95-04-102	174-116-040	PREP	95-05-010	180-77-003	AMD	95-12-056
173-360-385	AMD	95-04-102	174-116-040	AMD-P	95-07-132	180-77-004	NEW-P	95-08-058
173-360-600	AMD	95-04-102	174-116-041	PREP	95-05-010	180-77-004	NEW	95-12-056
173-360-610	AMD	95-04-102	174-116-041	AMD-P	95-07-132	180-77-005	AMD-P	95-08-058
173-360-620	NEW	95-04-102	174-116-042	PREP	95-05-010	180-77-005	AMD	95-12-056
173-360-630	AMD	95-04-102	174-116-042	AMD-P	95-07-132	180-77-010	REP-P	95-08-058
173-360-640	REP	95-04-102	174-116-043	PREP	95-05-010	180-77-010	REP	95-12-056
173-360-650	REP	95-04-102	174-116-043	AMD-P	95-07-132	180-77-012	NEW-P	95-08-058
173-360-655	REP	95-04-102	174-116-044	PREP	95-05-010	180-77-012	NEW	95-12-056
173-360-660	REP	95-04-102	174-116-044	AMD-P	95-07-132	180-77-014	NEW-P	95-08-058
173-360-680	REP	95-04-102	174-116-046	PREP	95-05-010	180-77-014	NEW	95-12-056
173-360-690	REP	95-04-102	174-116-046	AMD-P	95-07-132	180-77-015	AMD-P	95-08-058
173-360-695	REP	95-04-102	174-116-050	PREP	95-05-010	180-77-015	AMD	95-12-056
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173-400-030	AMD	95-07-126	174-116-060	PREP	95-05-010	180-77-020	AMD	95-12-056
173-400-099	NEW	95-07-126	174-116-060	AMD-P	95-07-132	180-77-030	REP-P	95-08-058
173-400-100	AMD	95-07-126	174-116-071	PREP	95-05-010	180-77-030	REP	95-12-056
173-400-101	AMD	95-07-126	174-116-071	AMD-P	95-07-132	180-77-031	NEW-P	95-08-058
173-400-102	NEW	95-07-126	174-116-072	PREP	95-05-010	180-77-031	NEW	95-12-056
173-400-103	NEW	95-07-126	174-116-072	AMD-P	95-07-132	180-77-035	REP-P	95-08-058
173-400-104	NEW	95-07-126	174-116-080	PREP	95-05-010	180-77-035	REP	95-12-056
173-400-171	AMD	95-07-126	174-116-080	AMD-P	95-07-132	180-77-040	REP-P	95-08-058
173-420-020	AMD-P	95-10-052	174-116-091	PREP	95-05-010	180-77-040	REP	95-12-056
173-420-030	AMD-P	95-10-052	174-116-091	AMD-P	95-07-132	180-77-041	NEW-P	95-08-058
173-420-040	AMD-P	95-10-052	174-116-092	PREP	95-05-010	180-77-041	NEW	95-12-056
173-420-050	AMD-P	95-10-052	174-116-092	AMD-P	95-07-132	180-77-045	REP-P	95-08-058
173-420-055	NEW-P	95-10-052	174-116-119	PREP	95-05-010	180-77-045	REP	95-12-056
173-420-060	AMD-P	95-10-052	174-116-119	AMD-P	95-07-132	180-77-050	REP-P	95-08-058
173-420-065	NEW-P	95-10-052	174-116-121	PREP	95-05-010	180-77-050	REP	95-12-056
173-420-070	AMD-P	95-10-052	174-116-121	AMD-P	95-07-132	180-77-055	REP-P	95-08-058
173-420-080	AMD-P	95-10-052	174-116-122	PREP	95-05-010	180-77-055	REP	95-12-056
173-420-110	AMD-P	95-10-052	174-116-122	AMD-P	95-07-132	180-77-060	REP-P	95-08-058
173-420-120	NEW-P	95-10-052	174-116-123	PREP	95-05-010	180-77-060	REP	95-12-056
173-422-020	AMD	95-06-068	174-116-123	AMD-P	95-07-132	180-77-065	REP-P	95-08-058
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173-422-050	AMD	95-06-068	174-116-125	PREP	95-05-010	180-77-068	NEW	95-12-056
173-422-060	AMD	95-06-068	174-116-126	PREP	95-05-010	180-77-070	AMD-P	95-08-058
173-422-065	AMD	95-06-068	174-116-127	PREP	95-05-010	180-77-070	AMD	95-12-056
173-422-070	AMD	95-06-068	174-116-127	AMD-P	95-07-132	180-77-075	AMD-P	95-08-058
173-422-090	AMD	95-06-068	178-01	PREP	95-04-016	180-77-075	AMD	95-12-056
173-422-100	AMD	95-06-068	178-01-010	REP-P	95-04-017	180-77-080	AMD-P	95-08-058
173-422-120	AMD	95-06-068	178-01-010	REP	95-08-008	180-77-080	AMD	95-12-056
173-422-160	AMD	95-06-068	180-10	PREP	95-11-069	180-77-085	REP-P	95-08-058
173-422-170	AMD	95-06-068	180-16-222	PREP	95-13-047	180-77-085	REP	95-12-056
173-422-190	AMD	95-06-068	180-27	PREP	95-05-038	180-77-090	REP-P	95-08-058
173-422-195	AMD	95-06-068	180-27-019	AMD-P	95-05-083	180-77-090	REP	95-12-056
173-430-010	AMD	95-03-083	180-27-019	AMD	95-08-032	180-77-095	REP-P	95-08-058
173-430-020	AMD	95-03-083	180-27-019	PREP	95-12-075	180-77-095	REP	95-12-056
173-430-030	AMD	95-03-083	180-27-040	PREP	95-12-073	180-77-100	REP-P	95-08-058
173-430-040	AMD	95-03-083	180-27-05605	AMD-E	95-11-092	180-77-100	REP	95-12-056
173-430-050	AMD	95-03-083	180-27-05605	AMD-P	95-12-074	180-77-105	REP-P	95-08-058
173-430-060	AMD	95-03-083	180-29-015	PREP	95-05-036	180-77-105	REP	95-12-056
173-430-070	AMD	95-03-083	180-29-015	AMD-P	95-05-081	180-77-106	NEW-P	95-08-058
173-430-080	AMD	95-03-083	180-29-015	AMD	95-08-033	180-77-106	NEW	95-12-056
173-430-090	NEW	95-03-083	180-29-095	PREP	95-05-037	180-77-110	AMD-P	95-08-058
173-430-100	NEW	95-03-083	180-29-095	AMD-P	95-05-082	180-77-110	AMD	95-12-056
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173-548	PREP	95-12-059	180-29-125	PREP	95-05-035	180-77-120	NEW	95-12-056
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173-548-010	AMD-W	95-12-065	180-29-125	AMD	95-08-030	180-77-122	NEW	95-12-056
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182-13-020	NEW-P	95-03-075	192-28-100	REP	95-09-085	220-36-021	AMD-C	95-13-062
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182-13-030	NEW-W	95-03-074	192-28-120	AMD-P	98-06-081	220-36-023	AMD-C	95-13-062
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182-13-040	NEW-W	95-03-074	192-32-001	AMD	95-09-085	220-40-021	AMD	95-13-065
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182-14-040	NEW-E	95-08-001	192-32-025	AMD	95-09-085	220-44-05000M	REP-E	95-05-007
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182-20-010	NEW-P	95-08-060	197-11-200	NEW-W	95-08-061	220-47-304	AMD	95-13-056
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182-20-200	NEW-P	95-08-060	197-11-232	NEW-E	95-03-059	220-47-411	AMD	95-13-056
182-20-200	NEW	95-12-010	197-11-232	NEW	95-07-023	220-47-412	AMD-P	95-09-081
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182-20-320	NEW	95-12-010	197-11-253	NEW	95-08-041	220-52-03000I	REP-E	95-13-057
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220-56-380	AMD	95-12-027	220-57-370	AMD	95-12-027	222-10-030	NEW-C	95-04-073
220-56-38000W	REP-E	95-04-086	220-57-380	AMD-W	95-12-066	222-10-040	NEW-C	95-04-073
220-56-38000X	NEW-E	95-04-086	220-57-385	AMD	95-12-027	222-16-010	AMD-C	95-04-073
220-56-38000X	REP-E	95-10-040	220-57-390	AMD	95-12-027	222-16-010	AMD-E	95-04-074
220-56-38000Y	NEW-E	95-10-040	220-57-395	AMD	95-12-027	222-16-010	AMD-E	95-11-052
220-56-390	AMD	95-04-066	220-57-400	AMD	95-12-027	222-16-075	NEW-C	95-04-073
220-57	AMD-C	95-04-064	220-57-405	AMD	95-12-027	222-16-080	AMD-C	95-04-073
220-57-001	AMD	95-12-027	220-57-410	AMD	95-12-027	222-16-080	AMD-E	95-04-074
			220-57-415	AMD	95-12-027	222-16-080	AMD-E	95-11-052
			220-57-425	AMD	95-12-027	222-21-010	NEW-C	95-04-073

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
222-21-020	NEW-C	95-04-073	230-04-400	AMD-C	95-04-040	232-12-61900A	NEW-E	95-04-065
222-21-030	NEW-C	95-04-073	230-04-400	AMD-C	95-06-013	232-28-02202	AMD	95-03-024
222-21-040	NEW-C	95-04-073	230-04-400	AMD-C	95-07-097	232-28-02203	AMD	95-03-025
222-24-030	AMD-C	95-04-073	230-04-400	AMD-S	95-12-050	232-28-02204	AMD	95-03-026
222-24-030	AMD-E	95-04-074	230-04-400	AMD-C	95-12-054	232-28-02205	AMD	95-03-027
222-24-030	AMD	95-11-052	230-04-400	AMD-W	95-13-029	232-28-02206	AMD	95-03-028
222-30-050	AMD-C	95-04-073	230-04-405	NEW-P	95-07-110	232-28-02210	AMD	95-03-029
222-30-050	AMD-E	95-04-074	230-04-405	NEW-C	95-12-049	232-28-02220	AMD	95-03-040
222-30-050	AMD-E	95-11-052	230-04-405	NEW	95-13-031	232-28-02220	AMD-P	95-06-100
222-30-060	AMD-C	95-04-073	230-08-070	AMD-P	95-04-039	232-28-02220	AMD	95-11-035
222-30-060	AMD-E	95-04-074	230-08-070	AMD	95-07-093	232-28-02280	AMD	95-03-030
222-30-060	AMD-E	95-11-052	230-08-130	AMD-P	95-04-038	232-28-239	REP-P	95-06-099
222-30-060	AMD-E	95-04-074	230-08-130	AMD	95-07-094	232-28-239	REP	95-11-028
222-30-065	NEW-C	95-04-073	230-08-160	AMD-P	95-04-038	232-28-240	AMD	95-03-031
222-30-065	NEW-E	95-04-074	230-08-160	AMD	95-07-094	232-28-241	AMD	95-03-032
222-30-065	NEW-E	95-11-052	230-08-160	AMD	95-07-094	232-28-24102	NEW	95-03-035
222-30-070	AMD-C	95-04-073	230-12-040	AMD-P	95-04-039	232-28-242	AMD	95-03-033
222-30-070	AMD-E	95-04-074	230-12-040	AMD	95-07-093	232-28-243	REP-P	95-06-099
222-30-070	AMD-E	95-11-052	230-12-075	REP-P	95-06-012	232-28-243	REP	95-11-028
222-30-075	NEW-C	95-04-073	230-12-075	REP	95-09-061	232-28-244	REP-P	95-06-099
222-30-075	NEW-E	95-04-074	230-12-079	NEW-P	95-04-037	232-28-244	REP-P	95-06-099
222-30-075	NEW-E	95-11-052	230-12-079	NEW-C	95-07-099	232-28-244	REP	95-11-028
222-30-100	AMD-C	95-04-073	230-12-079	NEW	95-09-062	232-28-245	REP-P	95-06-099
222-30-100	AMD-E	95-04-074	230-20-070	AMD-P	95-04-037	232-28-245	REP	95-11-028
222-30-100	AMD-E	95-11-052	230-20-070	AMD-C	95-07-099	232-28-246	NEW	95-03-036
222-38-020	AMD-C	95-04-073	230-20-070	AMD	95-09-062	232-28-246	AMD-P	95-06-107
222-38-020	AMD-E	95-04-074	230-20-090	AMD-P	95-07-111	232-28-246	AMD	95-11-037
222-38-020	AMD-E	95-11-052	230-20-090	AMD	95-12-051	232-28-24601	NEW-E	95-03-068
222-38-030	AMD-C	95-04-073	230-20-130	AMD-P	95-06-010	232-28-247	NEW	95-03-037
222-38-030	AMD-E	95-04-074	230-20-130	AMD	95-09-064	232-28-248	NEW	95-03-038
222-38-030	AMD-E	95-11-052	230-20-170	AMD-P	95-07-111	232-28-248	AMD-P	95-06-106
230-02-010	AMD-P	95-04-043	230-20-170	AMD	95-12-051	232-28-248	AMD	95-11-036
230-02-010	AMD	95-07-095	230-20-190	AMD-P	95-07-111	232-28-249	NEW	95-03-039
230-02-125	REP-P	95-06-012	230-20-190	AMD	95-12-051	232-28-250	NEW-P	95-06-097
230-02-125	REP	95-09-061	230-20-220	AMD-P	95-07-111	232-28-250	NEW	95-11-034
230-02-183	AMD-P	95-04-039	230-20-220	AMD	95-12-051	232-28-251	NEW-P	95-06-098
230-02-183	AMD	95-07-093	230-20-300	AMD-P	95-04-039	232-28-251	NEW	95-11-038
230-02-240	AMD-P	95-04-037	230-20-300	AMD	95-07-093	232-28-251	NEW-P	95-06-102
230-02-240	AMD-C	95-07-099	230-20-325	AMD-P	95-04-039	232-28-252	NEW	95-11-033
230-02-240	AMD	95-09-062	230-20-325	AMD	95-07-093	232-28-253	NEW-P	95-06-101
230-02-350	AMD-P	95-04-038	230-20-335	NEW-P	95-04-039	232-28-253	NEW	95-11-032
230-02-350	AMD	95-07-094	230-20-335	NEW	95-07-093	232-28-254	NEW-P	95-06-103
230-02-360	AMD-P	95-04-038	230-20-620	AMD-P	95-06-010	232-28-254	NEW	95-11-031
230-02-360	AMD	95-07-094	230-20-620	AMD	95-09-064	232-28-255	NEW-P	95-06-105
230-02-370	AMD-P	95-04-038	230-20-630	AMD-P	95-07-111	232-28-255	NEW	95-11-029
230-02-370	AMD	95-07-094	230-20-630	AMD	95-12-051	232-28-256	NEW-P	95-06-104
230-02-380	AMD-P	95-04-038	230-25-055	AMD-P	95-07-111	232-28-256	NEW	95-11-030
230-02-380	AMD	95-07-094	230-25-055	AMD	95-12-051	232-28-257	NEW-P	95-06-096
230-02-418	AMD-P	95-04-037	230-25-070	AMD-P	95-07-111	232-28-257	NEW	95-11-027
230-02-418	AMD-C	95-07-099	230-25-070	AMD	95-12-051	232-28-619	AMD	95-05-008
230-02-418	AMD	95-09-062	230-25-330	AMD-P	95-07-111	232-28-619	AMD-P	95-06-093
230-04-075	AMD-P	95-07-111	230-25-330	AMD	95-12-051	232-28-619	AMD	95-10-027
230-04-075	AMD	95-12-051	230-40-400	AMD-E	95-05-070	232-28-61900A	NEW-E	95-04-065
230-04-080	AMD-P	95-04-038	230-40-400	AMD-P	95-06-011	232-28-61900B	NEW-E	95-07-018
230-04-080	AMD	95-07-094	230-40-400	AMD-C	95-09-060	232-28-61900B	REP-E	95-12-030
230-04-110	AMD-E	95-07-064	230-40-400	AMD	95-13-024	232-28-61900B	REP-E	95-12-040
230-04-110	AMD-P	95-07-098	230-46-010	AMD-P	95-07-111	232-28-61900C	NEW-E	95-09-050
230-04-110	AMD	95-12-052	230-46-010	AMD	95-12-051	232-28-61900D	NEW-E	95-09-051
230-04-115	NEW-E	95-07-064	230-48-010	NEW-E	95-07-065	232-28-61900E	NEW-E	95-12-030
230-04-115	NEW-P	95-07-098	230-48-010	NEW-P	95-07-096	232-28-61900E	REP-E	95-12-040
230-04-115	NEW	95-12-052	230-48-010	NEW-C	95-12-048	232-28-61900F	NEW-E	95-12-040
230-04-145	AMD-P	95-04-037	230-48-010	NEW	95-13-032	232-28-61940	REP-E	95-09-050
230-04-145	AMD-C	95-07-099	230-50-010	AMD-C	95-04-040	232-28-61940	REP-E	95-09-050
230-04-145	AMD	95-09-062	230-50-010	AMD-C	95-06-013	232-28-61942	REP-E	95-09-050
230-04-147	AMD-P	95-04-037	230-50-010	AMD-C	95-07-097	232-28-61945	REP-E	95-09-050
230-04-147	AMD-C	95-07-099	230-50-010	AMD-C	95-12-054	232-28-61946	REP-E	95-09-050
230-04-147	AMD	95-09-062	230-50-010	AMD	95-13-030	232-28-61947	REP-E	95-09-050
230-04-203	AMD-E	95-07-064	232-12-001	AMD	95-05-008	232-28-61950	REP-E	95-09-050
230-04-203	AMD-P	95-07-098	232-12-131	AMD	95-03-034	232-28-61951	REP-E	95-09-050
230-04-203	AMD	95-12-052	232-12-151	AMD	95-05-008	232-28-61952	NEW-W	95-03-066
230-04-280	AMD-C	95-04-040	232-12-227	AMD	95-02-070	232-28-61953	REP-E	95-09-050
230-04-280	AMD-C	95-06-013	232-12-287	AMD-P	95-06-095	232-28-61954	REP-E	95-09-050
230-04-280	AMD-C	95-07-097	232-12-287	AMD	95-10-026	232-28-61957	REP-E	95-09-050
230-04-280	AMD-W	95-12-053	232-12-619	AMD	95-05-008	236-12	PREP	95-11-130

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236-12-015	AMD-P	95-13-107	245-03-040	NEW-W	95-12-047	245-03-810	NEW-W	95-07-034
236-12-360	AMD-P	95-13-107	245-03-050	NEW-P	95-06-075	245-03-810	NEW-W	95-12-047
236-12-361	AMD-P	95-13-107	245-03-050	NEW-W	95-07-037	245-03-820	NEW-P	95-06-074
236-12-362	AMD-P	95-13-107	245-03-050	NEW-W	95-12-047	245-03-820	NEW-W	95-07-034
236-15	PREP	95-11-131	245-03-080	NEW-P	95-06-075	245-03-820	NEW-W	95-12-047
236-15-010	NEW	95-05-044	245-03-080	NEW-W	95-07-037	245-03-830	NEW-P	95-06-074
236-15-010	REP-P	95-13-108	245-03-080	NEW-W	95-12-047	245-03-830	NEW-W	95-07-034
236-15-015	NEW	95-05-044	245-03-120	NEW-P	95-06-075	245-03-830	NEW-W	95-12-047
236-15-015	REP-P	95-13-108	245-03-120	NEW-W	95-07-037	245-03-840	NEW-P	95-06-074
236-15-050	NEW	95-05-044	245-03-120	NEW-W	95-12-047	245-03-840	NEW-W	95-07-034
236-15-050	REP-P	95-13-108	245-03-140	NEW-P	95-06-075	245-03-840	NEW-W	95-12-047
236-15-100	NEW	95-05-044	245-03-140	NEW-W	95-07-037	245-03-860	NEW-P	95-06-074
236-15-100	REP-P	95-13-108	245-03-140	NEW-W	95-12-047	245-03-860	NEW-W	95-07-034
236-15-200	NEW	95-05-044	245-03-160	NEW-P	95-06-075	245-03-860	NEW-W	95-12-047
236-15-200	REP-P	95-13-108	245-03-160	NEW-W	95-07-037	245-03-880	NEW-P	95-06-074
236-15-300	NEW	95-05-044	245-03-160	NEW-W	95-12-047	245-03-880	NEW-W	95-07-034
236-15-300	REP-P	95-13-108	245-03-180	NEW-P	95-06-075	245-03-880	NEW-W	95-12-047
236-15-700	NEW	95-05-044	245-03-180	NEW-W	95-07-037	245-04-010	NEW-P	95-06-077
236-15-700	REP-P	95-13-108	245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033
236-15-800	NEW	95-05-044	245-03-200	NEW-P	95-06-075	245-04-010	NEW-W	95-12-047
236-15-800	REP-P	95-13-108	245-03-200	NEW-W	95-07-037	245-04-020	NEW-P	95-06-077
236-15-900	NEW	95-05-044	245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033
236-15-900	REP-P	95-13-108	245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047
240-10-030	AMD	95-09-025	245-03-220	NEW-W	95-07-037	245-04-025	NEW-P	95-06-077
240-10-040	AMD	95-09-025	245-03-220	NEW-W	95-12-047	245-04-025	NEW-W	95-07-033
245-01-010	DECOD	95-12-009	245-03-240	NEW-P	95-06-075	245-04-025	NEW-W	95-12-047
245-01-020	DECOD	95-12-009	245-03-240	NEW-W	95-07-037	245-04-030	NEW-P	95-06-077
245-01-030	DECOD	95-12-009	245-03-240	NEW-W	95-12-047	245-04-030	NEW-W	95-07-033
245-01-040	DECOD	95-12-009	245-03-260	NEW-P	95-06-075	245-04-030	NEW-W	95-12-047
245-01-050	DECOD	95-12-009	245-03-260	NEW-W	95-07-037	245-04-040	NEW-P	95-06-077
245-01-060	DECOD	95-12-009	245-03-260	NEW-W	95-12-047	245-04-040	NEW-W	95-07-033
245-01-070	DECOD	95-12-009	245-03-280	NEW-P	95-06-075	245-04-040	NEW-W	95-12-047
245-01-080	DECOD	95-12-009	245-03-280	NEW-W	95-07-037	245-04-050	NEW-P	95-06-077
245-01-090	DECOD	95-12-009	245-03-280	NEW-W	95-12-047	245-04-050	NEW-W	95-07-033
245-01-100	DECOD	95-12-009	245-03-300	NEW-P	95-06-075	245-04-050	NEW-W	95-12-047
245-01-110	DECOD	95-12-009	245-03-300	NEW-W	95-07-037	245-04-060	NEW-P	95-06-077
245-01-120	DECOD	95-12-009	245-03-300	NEW-W	95-12-047	245-04-060	NEW-W	95-07-033
245-01-130	DECOD	95-12-009	245-03-320	NEW-P	95-06-075	245-04-060	NEW-W	95-12-047
245-01-140	DECOD	95-12-009	245-03-320	NEW-W	95-07-037	245-04-070	NEW-P	95-06-077
245-01-150	DECOD	95-12-009	245-03-320	NEW-W	95-12-047	245-04-070	NEW-W	95-07-033
245-02-010	NEW	95-04-115	245-03-390	NEW-P	95-06-075	245-04-070	NEW-W	95-12-047
245-02-020	NEW	95-04-115	245-03-390	NEW-W	95-07-037	245-04-080	NEW-P	95-06-077
245-02-025	NEW	95-04-115	245-03-390	NEW-W	95-12-047	245-04-080	NEW-W	95-07-033
245-02-030	NEW	95-04-115	245-03-520	NEW-W	95-07-035	245-04-080	NEW-W	95-12-047
245-02-035	NEW	95-04-115	245-03-520	NEW-W	95-12-047	245-04-090	AMD-P	95-03-101
245-02-040	NEW	95-04-115	245-03-540	NEW-W	95-07-035	245-04-090	AMD	95-06-048
245-02-045	NEW	95-04-115	245-03-540	NEW-W	95-12-047	245-04-090	DECOD	95-12-009
245-02-050	NEW	95-04-115	245-03-560	NEW-W	95-07-035	245-04-100	AMD-P	95-03-101
245-02-100	NEW	95-04-112	245-03-560	NEW-W	95-12-047	245-04-100	AMD	95-06-048
245-02-110	NEW	95-04-112	245-03-580	NEW-W	95-07-035	245-04-100	DECOD	95-12-009
245-02-115	NEW	95-04-112	245-03-580	NEW-W	95-12-047	245-04-110	AMD-P	95-03-101
245-02-120	NEW	95-04-112	245-03-610	NEW-P	95-06-076	245-04-110	AMD	95-06-048
245-02-125	NEW	95-04-112	245-03-610	NEW-W	95-12-047	245-04-110	DECOD	95-12-009
245-02-130	NEW	95-04-112	245-03-620	NEW-P	95-06-076	245-04-115	AMD-P	95-03-101
245-02-131	NEW	95-04-112	245-03-620	NEW-W	95-07-036	245-04-115	AMD	95-06-048
245-02-135	NEW	95-04-112	245-03-620	NEW-W	95-12-047	245-04-115	DECOD	95-12-009
245-02-140	NEW	95-04-112	245-03-630	NEW-P	95-06-076	245-04-125	NEW-P	95-04-113
245-02-145	NEW	95-04-112	245-03-630	NEW-W	95-12-047	245-04-125	NEW-W	95-12-047
245-02-150	NEW	95-04-112	245-03-640	NEW-P	95-06-076	245-04-130	NEW-P	95-04-113
245-02-155	NEW	95-04-112	245-03-640	NEW-W	95-07-036	245-04-130	NEW-W	95-12-047
245-02-160	NEW	95-04-112	245-03-640	NEW-W	95-12-047	245-04-135	NEW-P	95-04-113
245-02-165	NEW	95-04-112	245-03-650	NEW-P	95-06-076	245-04-135	NEW-W	95-12-047
245-02-170	NEW	95-04-112	245-03-650	NEW-W	95-07-036	245-04-140	NEW-P	95-04-113
245-02-175	NEW	95-04-112	245-03-650	NEW-W	95-12-047	245-04-140	NEW-W	95-12-047
245-02-180	NEW	95-04-112	245-03-660	NEW-P	95-06-076	245-04-145	NEW-P	95-04-113
245-03-010	NEW-P	95-06-075	245-03-660	NEW-W	95-07-036	245-04-145	NEW-W	95-12-047
245-03-010	NEW-W	95-07-037	245-03-660	NEW-W	95-12-047	245-04-150	NEW-P	95-04-113
245-03-010	NEW-W	95-12-047	245-03-670	NEW-P	95-06-076	245-04-150	NEW-W	95-12-047
245-03-020	NEW-P	95-06-075	245-03-670	NEW-W	95-12-047	245-04-155	NEW-P	95-04-113
245-03-020	NEW-W	95-07-037	245-03-680	NEW-P	95-06-076	245-04-155	NEW-W	95-12-047
245-03-020	NEW-W	95-12-047	245-03-680	NEW-W	95-07-036	245-04-160	NEW-P	95-04-113
245-03-040	NEW-P	95-06-075	245-03-680	NEW-W	95-12-047	245-04-160	NEW-W	95-12-047
245-03-040	NEW-W	95-07-037	245-03-810	NEW-P	95-06-074	245-04-165	NEW-P	95-04-113

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
245-04-165	NEW-W	95-12-047	246-170-020	REP	95-04-035	246-322-240	NEW-P	95-12-096
245-04-170	NEW-P	95-04-113	246-170-021	NEW	95-04-035	246-316-250	NEW-P	95-12-096
245-04-170	NEW-W	95-12-047	246-170-030	REP	95-04-035	246-322-500	NEW-P	95-12-096
245-04-175	NEW-P	95-04-113	246-170-031	NEW	95-04-035	246-322-990	AMD-P	95-09-059
245-04-175	NEW-W	95-12-047	246-170-040	REP	95-04-035	246-322-990	AMD	95-12-097
245-04-180	NEW-P	95-04-113	246-170-041	NEW	95-04-035	246-322-991	AMD-P	95-09-059
245-04-180	NEW-W	95-12-047	246-170-050	REP	95-04-035	246-322-991	REP-P	95-12-096
245-04-185	NEW-P	95-04-113	246-170-051	NEW	95-04-035	246-322-991	AMD	95-12-097
245-04-185	NEW-W	95-12-047	246-170-055	NEW	95-04-035	246-323	PREP	95-07-073
245-04-190	NEW-P	95-04-113	246-170-060	REP	95-04-035	246-323-990	AMD-P	95-09-059
245-04-190	NEW-W	95-12-047	246-170-061	NEW	95-04-035	246-323-990	AMD	95-12-097
245-04-195	NEW-P	95-04-113	246-170-065	NEW	95-04-035	246-324-001	NEW-P	95-12-094
245-04-195	NEW-W	95-12-047	246-170-070	REP	95-04-035	246-324-010	NEW-P	95-12-094
245-04-200	NEW-P	95-06-079	246-170-080	REP	95-04-035	246-324-020	NEW-P	95-12-094
245-04-200	NEW-W	95-07-032	246-170-090	REP	95-04-035	246-324-025	NEW-P	95-12-094
245-04-200	NEW-W	95-12-047	246-249-020	AMD-P	95-04-100	246-324-030	NEW-P	95-12-094
245-04-210	NEW-P	95-06-079	246-249-020	AMD	95-13-094	246-324-035	NEW-P	95-12-094
245-04-210	NEW-W	95-07-032	246-249-080	AMD-P	95-04-100	246-324-040	NEW-P	95-12-094
245-04-210	NEW-W	95-12-047	246-249-080	AMD	95-13-094	246-324-050	NEW-P	95-12-094
245-04-220	NEW-P	95-06-079	246-254	PREP	95-05-058	246-324-050	NEW-P	95-12-094
245-04-220	NEW-W	95-07-032	246-254-053	AMD-P	95-08-066	246-324-060	NEW-P	95-12-094
245-04-220	NEW-W	95-12-047	246-254-053	AMD	95-12-004	246-324-100	NEW-P	95-12-094
245-04-230	NEW-P	95-06-079	246-254-070	AMD-P	95-08-066	246-324-120	NEW-P	95-12-094
245-04-230	NEW-W	95-07-032	246-254-070	AMD	95-12-004	246-324-140	NEW-P	95-12-094
245-04-230	NEW-W	95-12-047	246-254-080	AMD-P	95-08-066	246-324-150	NEW-P	95-12-094
245-04-240	NEW-P	95-06-079	246-254-080	AMD	95-12-004	246-324-160	NEW-P	95-12-094
245-04-240	NEW-W	95-07-032	246-254-090	AMD-P	95-08-066	246-324-170	NEW-P	95-12-094
245-04-240	NEW-W	95-12-047	246-254-090	AMD	95-12-004	246-324-180	NEW-P	95-12-094
245-04-300	NEW-P	95-06-078	246-254-100	AMD-P	95-08-066	246-324-190	NEW-P	95-12-094
245-04-300	NEW-W	95-07-031	246-254-100	AMD	95-12-004	246-324-200	NEW-P	95-12-094
245-04-300	NEW-W	95-12-047	246-254-120	AMD-P	95-08-066	246-324-210	NEW-P	95-12-094
245-04-310	NEW-P	95-06-078	246-254-120	AMD	95-12-004	246-324-220	NEW-P	95-12-094
245-04-310	NEW-W	95-07-031	246-255	PREP	95-05-058	246-324-230	NEW-P	95-12-094
245-04-310	NEW-W	95-12-047	246-272-25001	AMD-P	95-04-034	246-324-240	NEW-P	95-12-094
245-04-320	NEW-P	95-06-078	246-272-25001	AMD	95-09-018	246-324-250	NEW-P	95-12-094
245-04-320	NEW-W	95-07-031	246-290-990	PREP	95-05-059	246-324-500	NEW-P	95-12-094
245-04-320	NEW-W	95-12-047	246-291	PREP	95-09-017	246-324-990	NEW-P	95-12-094
245-04-330	NEW-P	95-06-078	246-314	PREP	95-07-073	246-325	PREP	95-07-073
245-04-330	NEW-W	95-07-031	246-314-990	AMD-P	95-09-059	246-325-990	AMD-P	95-09-059
245-04-330	NEW-W	95-12-047	246-314-990	AMD	95-12-097	246-325-990	AMD	95-12-097
245-04-340	NEW-P	95-06-078	246-316	PREP	95-07-073	246-326	PREP	95-07-073
245-04-340	NEW-W	95-07-031	246-316-990	AMD-P	95-09-059	246-326-990	AMD-P	95-09-059
245-04-340	NEW-W	95-12-047	246-316-990	AMD	95-12-097	246-326-990	AMD	95-12-097
245-04-350	NEW-P	95-06-078	246-318	PREP	95-07-073	246-327	PREP	95-07-073
245-04-350	NEW-W	95-07-031	246-318-990	AMD-P	95-09-059	246-327-990	AMD-P	95-09-059
245-04-350	NEW-W	95-12-047	246-318-990	AMD	95-12-097	246-327-990	AMD	95-12-097
245-08-010	NEW-P	95-04-114	246-322	PREP	95-07-073	246-331	PREP	95-07-073
245-08-010	NEW-W	95-07-030	246-322-001	NEW-P	95-12-096	246-331-990	AMD-P	95-09-059
245-08-010	NEW-W	95-12-047	246-322-010	AMD-P	95-12-096	246-331-990	AMD	95-12-097
245-08-020	NEW-P	95-04-114	246-322-020	AMD-P	95-12-096	246-336	PREP	95-07-073
245-08-020	NEW-W	95-07-030	246-322-025	NEW-P	95-12-096	246-336-990	AMD-P	95-09-059
245-08-020	NEW-W	95-12-047	246-322-030	NEW-P	95-12-096	246-336-990	AMD	95-12-097
245-08-030	NEW-P	95-04-114	246-322-035	NEW-P	95-12-096	246-358	PREP	95-11-072
245-08-030	NEW-W	95-07-030	246-322-040	AMD-P	95-12-096	246-358-001	AMD-E	95-13-093
245-08-030	NEW-W	95-12-047	246-322-050	AMD-P	95-12-096	246-358-010	AMD-E	95-08-018
245-08-040	NEW-P	95-04-114	246-322-060	AMD-P	95-12-096	246-358-010	AMD-E	95-13-093
245-08-040	NEW-W	95-07-030	246-322-070	REP-P	95-12-096	246-358-020	AMD-E	95-08-018
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245-08-050	NEW-P	95-04-114	246-322-090	REP-P	95-12-096	246-358-025	AMD-E	95-13-092
245-08-050	NEW-W	95-07-030	246-322-100	AMD-P	95-12-096	246-358-030	AMD-E	95-13-092
245-08-050	NEW-W	95-12-047	246-322-110	REP-P	95-12-096	246-358-045	AMD-E	95-13-093
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246-812-320	NEW-E	95-09-029	246-816-720	REP-P	95-12-068
246-812-330	NEW-E	95-09-029	246-816-730	REP-P	95-12-068
246-812-340	NEW-E	95-09-029	246-816-740	REP-P	95-12-068
246-812-350	NEW-E	95-09-029	246-816-990	REP-P	95-12-067
246-812-360	NEW-E	95-09-029	246-816-990	REP-P	95-12-068
246-812-390	NEW-E	95-09-029	246-817-001	NEW-P	95-12-068
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246-812-601	NEW-E	95-09-029	246-817-170	NEW-P	95-12-068
246-812-610	NEW-E	95-09-029	246-817-175	NEW-P	95-12-068
246-812-620	NEW-E	95-09-029	246-817-180	NEW-P	95-12-068
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246-815-070	AMD-P	95-13-110	246-817-350	NEW-P	95-12-068
246-815-100	AMD-P	95-13-110	246-817-360	NEW-P	95-12-068
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246-817-520	NEW-P	95-12-068			
246-817-530	NEW-P	95-12-068			
246-817-540	NEW-P	95-12-068			
246-817-550	NEW-P	95-12-068			
246-817-560	NEW-P	95-12-068			
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246-830-610	AMD	95-11-108	246-861-010	AMD	95-08-019	251-17-010	AMD-C	95-12-071
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246-838-150	REP-P	95-12-095	246-861-060	AMD	95-08-019	251-17-110	AMD-C	95-12-071
246-838-160	REP-P	95-12-095	246-861-090	AMD-W	95-08-051	251-17-110	AMD-C	95-13-014
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246-838-180	REP-P	95-12-095	246-861-090	PREP	95-12-093	251-17-200	AMD-C	95-12-071
246-838-190	REP-P	95-12-095	246-887-160	PREP	95-07-086	251-17-200	AMD-C	95-13-014
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246-838-220	REP-P	95-12-095	246-891-020	AMD	95-08-020	251-19-070	AMD-C	95-13-014
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296-155-24523	NEW	95-10-016	296-306-08503	NEW	95-10-045	308-96A-560	AMD-P	95-07-136
296-155-24524	NEW-P	95-05-061	296-306-08505	NEW	95-10-045	308-96A-560	AMD	95-11-043
296-155-24524	NEW	95-10-016	296-306-08507	NEW	95-10-045	308-124-005	AMD	95-03-012
296-155-24525	AMD-P	95-05-061	296-306-08509	NEW	95-10-045	308-124A-025	AMD	95-03-012
296-155-24525	AMD	95-10-016	296-306-090	AMD	95-10-045	308-124A-110	AMD	95-03-012
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388-73-036	AMD-S	95-07-024	388-73-412	REP-W	95-11-051	388-216-2150	AMD-P	95-11-050

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388-216-2450	AMD-P	95-11-050	388-509-0920	AMD-E	95-08-046	392-123-054	PREP	95-11-024
388-216-2650	PREP	95-09-012	388-509-0920	AMD	95-11-056	392-140-500	PREP	95-11-004
388-216-2650	AMD-P	95-11-050	388-509-0960	AMD	95-05-023	392-142-005	AMD-P	95-13-100
388-216-2800	PREP	95-09-012	388-509-0960	PREP	95-06-071	392-142-010	AMD-P	95-13-100
388-216-2800	AMD-P	95-11-050	388-509-0960	AMD-P	95-08-045	392-142-095	AMD-P	95-13-100
388-218-1050	AMD	95-04-048	388-509-0960	AMD-E	95-08-046	392-142-115	AMD-P	95-13-100
388-218-1050	PREP	95-11-007	388-509-0960	AMD	95-11-056	392-142-125	AMD-P	95-13-100
388-218-1050	AMD-P	95-11-101	388-511-1105	AMD-P	95-06-072	392-142-130	AMD-P	95-13-100
388-218-1200	PREP	95-08-023	388-511-1105	AMD	95-08-070	392-142-135	AMD-P	95-13-100
388-218-1200	AMD-P	95-09-035	388-511-1130	AMD-P	95-06-072	392-142-155	AMD-P	95-13-100
388-218-1200	AMD	95-11-124	388-511-1130	AMD-W	95-08-071	392-142-162	NEW-P	95-13-100
388-218-1350	PREP	95-08-023	388-511-1140	AMD-P	95-06-072	392-142-163	NEW-P	95-13-100
388-218-1350	AMD-P	95-09-035	388-511-1140	AMD	95-08-070	392-142-165	AMD-P	95-13-100
388-218-1350	AMD	95-11-124	388-511-1160	AMD-P	95-06-072	392-142-170	AMD-P	95-13-100
388-218-1400	AMD	95-04-048	388-511-1160	AMD	95-08-070	392-142-175	REP-P	95-13-100
388-218-1450	PREP	95-08-023	388-513-1300	NEW-P	95-03-084	392-142-205	AMD-P	95-13-100
388-218-1450	AMD-P	95-09-035	388-513-1300	NEW	95-06-025	392-142-210	AMD-P	95-13-100
388-218-1450	AMD	95-11-124	388-513-1330	PREP	95-07-072	392-142-212	NEW-P	95-13-100
388-218-1500	AMD	95-04-048	388-513-1350	AMD	95-05-022	392-142-213	NEW-P	95-13-100
388-218-1510	PREP	95-11-007	388-513-1380	AMD	95-05-022	392-142-240	AMD-P	95-13-100
388-218-1510	AMD-P	95-11-101	388-513-1380	PREP	95-06-071	392-142-265	AMD-P	95-13-100
388-218-1515	PREP	95-11-007	388-513-1380	AMD-P	95-08-045	392-169-005	AMD-P	95-06-084
388-218-1515	REP-P	95-11-101	388-513-1380	AMD-E	95-08-046	392-169-005	AMD	95-09-042
388-218-1520	AMD	95-04-048	388-513-1380	AMD	95-11-045	392-169-015	AMD-P	95-06-084
388-218-1605	PREP	95-08-023	388-515-1505	PREP	95-12-011	392-169-015	AMD	95-09-042
388-218-1605	AMD-P	95-09-035	388-515-1530	PREP	95-11-077	392-169-020	AMD-P	95-06-084
388-218-1605	AMD	95-11-124	388-517-1710	AMD-P	95-11-049	392-169-020	AMD	95-09-042
388-218-1610	PREP	95-08-023	388-517-1715	AMD-P	95-11-049	392-169-022	AMD-P	95-06-084
388-218-1610	AMD-P	95-09-035	388-517-1720	PREP	95-06-071	392-169-022	AMD	95-09-042
388-218-1610	AMD	95-11-124	388-517-1720	AMD-P	95-08-045	392-169-023	AMD-P	95-06-084
388-218-1630	PREP	95-08-023	388-517-1720	AMD-E	95-08-046	392-169-023	AMD	95-09-042
388-218-1630	AMD-P	95-09-035	388-517-1720	AMD	95-11-056	392-169-025	AMD-P	95-06-084
388-218-1630	AMD	95-11-124	388-517-1730	AMD-P	95-11-049	392-169-025	AMD	95-09-042
388-218-1680	PREP	95-08-023	388-517-1740	PREP	95-06-071	392-169-033	NEW-P	95-06-084
388-218-1680	AMD-P	95-09-035	388-517-1740	AMD-P	95-08-045	392-169-033	NEW	95-09-042
388-218-1680	AMD	95-11-124	388-517-1740	AMD-E	95-08-046	392-169-035	REP-P	95-06-084
388-218-1730	PREP	95-08-023	388-517-1740	AMD	95-11-056	392-169-035	REP	95-09-042
388-218-1730	AMD-P	95-09-035	388-517-1750	AMD-P	95-11-049	392-169-045	AMD-P	95-06-084
388-218-1730	AMD	95-11-124	388-517-1760	PREP	95-06-071	392-169-045	AMD	95-09-042
388-219-3000	PREP	95-06-035	388-517-1760	AMD-P	95-08-045	392-169-050	AMD-P	95-06-084
388-225-0020	PREP	95-05-039	388-517-1760	AMD-E	95-08-046	392-169-050	AMD	95-09-042
388-225-0020	AMD-P	95-08-010	388-517-1760	AMD	95-11-056	392-169-055	AMD-P	95-06-084
388-225-0020	AMD	95-11-046	388-518-1805	AMD	95-04-049	392-169-055	AMD	95-09-042
388-225-0300	REP-P	95-08-010	388-518-1805	PREP	95-13-020	392-169-057	AMD-P	95-06-084
388-225-0300	REP	95-11-046	388-518-1810	PREP	95-13-020	392-169-057	AMD	95-09-042
388-235-9000	AMD	95-03-048	388-518-1840	PREP	95-13-020	392-169-060	AMD-P	95-06-084
388-250-1200	AMD-P	95-05-014	388-519-1905	PREP	95-13-020	392-169-060	AMD	95-09-042
388-250-1200	AMD	95-07-123	388-521-2140	PREP	95-13-020	392-169-065	AMD-P	95-06-084
388-250-1700	AMD	95-03-046	388-522-2230	PREP	95-06-033	392-169-065	AMD	95-09-042
388-265-1750	PREP	95-09-044	388-522-2230	AMD-P	95-12-031	392-169-075	AMD-P	95-06-084
388-265-1750	AMD-P	95-09-054	388-529-2950	PREP	95-13-020	392-169-075	AMD	95-09-042
388-265-1750	AMD-E	95-09-055	388-538	PREP	95-12-033	392-169-080	AMD-P	95-06-084
388-265-1750	AMD	95-11-119	388-538-100	AMD	95-04-033	392-169-080	AMD	95-09-042
388-290	PREP	95-13-061	391-35-300	NEW-E	95-07-026	392-169-085	AMD-P	95-06-084
388-300	PREP	95-08-021	391-45-431	REP-E	95-06-087	392-169-085	AMD	95-09-042
388-330	PREP	95-11-006	391-45-560	NEW-E	95-07-026	392-169-090	AMD-P	95-06-084
388-500-0005	PREP	95-13-020	392-121	PREP	95-10-032	392-169-090	AMD	95-09-042
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388-505-0590	AMD	95-04-047	392-121-106	AMD-P	95-06-059	392-169-100	AMD	95-09-042
388-505-0590	PREP	95-07-090	392-121-106	AMD	95-10-011	392-169-105	AMD-P	95-06-084
388-505-0590	AMD-P	95-13-085	392-122-205	AMD-P	95-05-020	392-169-105	AMD	95-09-042
388-506-0610	AMD-P	95-07-049	392-122-205	AMD	95-08-025	392-169-110	AMD-P	95-06-084
388-506-0610	AMD	95-10-025	392-122-214	REP-P	95-05-020	392-169-110	AMD	95-09-042
388-507-0710	AMD	95-05-022	392-122-214	REP	95-08-025	392-169-115	AMD-P	95-06-084
388-507-0710	PREP	95-08-009	392-122-221	AMD-P	95-05-020	392-169-115	AMD	95-09-042
388-507-0710	AMD-P	95-13-087	392-122-221	AMD	95-08-025	392-169-120	AMD-P	95-06-084
388-508-0805	PREP	95-06-071	392-122-230	AMD-P	95-05-020	392-169-120	AMD	95-09-042
388-508-0805	AMD-P	95-08-045	392-122-230	AMD	95-08-025	392-169-125	AMD-P	95-06-084
388-508-0805	AMD-E	95-08-046	392-122-260	REP-P	95-05-020	392-169-125	AMD	95-09-042
388-508-0805	AMD	95-11-045	392-122-260	REP	95-08-025	392-171	PREP	95-04-089
388-508-0820	AMD-P	95-13-086	392-122-275	AMD-P	95-05-020	392-171	PREP	95-10-050
388-509-0920	PREP	95-06-071	392-122-275	AMD	95-08-025	399-10-010	AMD-P	95-07-107

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399-30-040	AMD-P	95-07-109	415-113-0308	NEW	95-03-001	419-72-095	REP	95-09-049
399-30-040	AMD	95-11-093	415-113-0309	NEW	95-03-001	434-09-020	AMD-E	95-05-050
415-104-011	AMD-P	95-09-069	415-113-0310	NEW	95-03-001	434-09-030	AMD-E	95-05-050
415-104-0111	NEW-P	95-09-069	415-113-040	REP	95-03-001	434-09-040	AMD-E	95-05-050
415-104-0112	NEW-P	95-09-069	415-113-041	NEW	95-03-001	434-09-050	AMD-E	95-05-050
415-104-0113	NEW-P	95-09-069	415-113-042	NEW	95-03-001	434-09-060	AMD-E	95-05-050
415-104-0114	NEW-P	95-09-069	415-113-045	NEW	95-03-001	434-09-070	AMD-E	95-05-050
415-104-0115	NEW-P	95-09-069	415-113-050	REP	95-03-001	434-09-080	AMD-E	95-05-050
415-104-0117	NEW-P	95-09-069	415-113-055	NEW	95-03-001	434-09-090	AMD-E	95-05-050
415-104-0118	NEW-P	95-09-069	415-113-057	NEW	95-03-001	434-55-065	AMD-P	95-12-099
415-104-0120	NEW-P	95-09-069	415-113-059	NEW	95-03-001	434-110-075	AMD-P	95-12-099
415-104-0121	NEW-P	95-09-069	415-113-060	REP	95-03-001	434-120-025	PREP	95-06-049
415-104-0122	NEW-P	95-09-069	415-113-065	NEW	95-03-001	434-120-025	AMD-P	95-08-073
415-104-224	NEW-P	95-09-069	415-113-070	NEW	95-03-001	434-120-025	AMD	95-11-135
415-104-225	NEW-P	95-09-069	415-113-080	NEW	95-03-001	434-120-103	NEW-P	95-08-073
415-104-235	NEW-P	95-09-069	415-113-082	NEW	95-03-001	434-120-103	NEW	95-11-135
415-104-245	NEW-P	95-09-069	415-113-084	NEW	95-03-001	434-120-105	PREP	95-06-049
415-108-010	AMD-P	95-09-069	415-113-090	NEW	95-03-001	434-120-105	AMD-P	95-08-073
415-108-0101	NEW-P	95-09-069	415-113-100	NEW	95-03-001	434-120-105	AMD-C	95-12-017
415-108-0102	NEW-P	95-09-069	415-115-030	AMD-P	95-09-068	434-120-125	PREP	95-06-049
415-108-0103	NEW-P	95-09-069	415-115-030	AMD	95-12-058	434-120-125	AMD-P	95-08-073
415-108-0104	NEW-P	95-09-069	415-115-050	AMD-P	95-09-068	434-120-125	AMD	95-11-135
415-108-0105	NEW-P	95-09-069	415-115-050	AMD	95-12-058	434-120-130	PREP	95-06-049
415-108-0106	NEW-P	95-09-069	415-115-060	AMD-P	95-09-068	434-120-130	AMD-P	95-08-073
415-108-0107	NEW-P	95-09-069	415-115-060	AMD	95-12-058	434-120-130	AMD-C	95-12-017
415-108-0108	NEW-P	95-09-069	415-115-070	AMD-P	95-09-068	434-120-140	PREP	95-06-049
415-108-0109	NEW-P	95-09-069	415-115-070	AMD	95-12-058	434-120-140	AMD-P	95-08-073
415-108-679	NEW-P	95-09-069	415-115-080	AMD-P	95-09-068	434-120-140	AMD	95-11-135
415-108-680	NEW-P	95-09-069	415-115-080	AMD	95-12-058	434-120-145	PREP	95-06-049
415-108-690	NEW-P	95-09-069	415-115-120	AMD-P	95-09-068	434-120-145	AMD-P	95-08-073
415-108-700	NEW-P	95-09-069	415-115-120	AMD	95-12-058	434-120-145	AMD	95-11-135
415-108-710	NEW-P	95-09-069	419-18	AMD-P	95-03-091	434-120-200	NEW-P	95-08-073
415-108-720	NEW-P	95-09-069	419-18	AMD	95-06-066	434-120-200	NEW	95-11-135
415-108-725	NEW-P	95-09-069	419-18-020	AMD-P	95-03-091	434-120-210	PREP	95-06-049
415-108-726	NEW-P	95-09-069	419-18-020	AMD	95-06-066	434-120-215	PREP	95-06-049
415-108-728	NEW-P	95-09-069	419-18-030	AMD-P	95-03-091	434-120-215	AMD-P	95-08-073
415-112-015	AMD-P	95-09-069	419-18-030	AMD	95-06-066	434-120-215	AMD	95-11-135
415-112-0151	NEW-P	95-09-069	419-18-040	AMD-P	95-03-091	434-120-218	NEW-P	95-08-073
415-112-0152	NEW-P	95-09-069	419-18-040	AMD	95-06-066	434-120-218	NEW	95-11-135
415-112-0153	NEW-P	95-09-069	419-18-045	NEW-P	95-03-091	434-120-240	PREP	95-06-049
415-112-0154	NEW-P	95-09-069	419-18-045	NEW	95-06-066	434-120-255	PREP	95-06-049
415-112-0155	NEW-P	95-09-069	419-18-050	AMD-P	95-03-091	434-120-255	AMD-P	95-08-073
415-112-0156	NEW-P	95-09-069	419-18-050	AMD	95-06-066	434-120-255	AMD-C	95-12-017
415-112-0157	NEW-P	95-09-069	419-18-060	AMD-P	95-03-091	434-120-260	PREP	95-06-049
415-112-0158	NEW-P	95-09-069	419-18-060	AMD	95-06-066	434-120-260	AMD-P	95-08-073
415-112-0159	NEW-P	95-09-069	419-18-070	AMD-P	95-03-091	434-120-260	AMD	95-11-135
415-112-0161	NEW-P	95-09-069	419-18-070	AMD	95-06-066	434-120-265	PREP	95-06-049
415-112-0162	NEW-P	95-09-069	419-18-080	NEW-P	95-03-091	434-120-265	AMD-P	95-08-073
415-112-0163	NEW-P	95-09-069	419-18-080	NEW	95-06-066	434-120-265	AMD	95-11-135
415-112-0164	NEW-P	95-09-069	419-70-010	REP	95-09-049	434-120-300	PREP	95-06-050
415-112-0165	NEW-P	95-09-069	419-70-020	REP	95-09-049	434-120-300	AMD-P	95-08-072
415-112-0166	NEW-P	95-09-069	419-70-030	REP	95-09-049	434-120-300	AMD	95-11-135
415-112-0167	NEW-P	95-09-069	419-70-040	REP	95-09-049	434-120-305	PREP	95-06-050
415-112-119	NEW-P	95-09-069	419-70-050	REP	95-09-049	434-120-305	AMD-P	95-08-072
415-112-120	NEW-P	95-09-069	419-72-010	AMD	95-09-049	434-120-305	AMD	95-11-135
415-112-125	NEW-P	95-09-069	419-72-012	NEW	95-09-049	434-120-310	PREP	95-06-050
415-112-130	NEW-P	95-09-069	419-72-015	AMD	95-09-049	434-120-310	AMD-P	95-08-072
415-112-135	NEW-P	95-09-069	419-72-020	AMD	95-09-049	434-120-310	AMD	95-11-135
415-112-140	NEW-P	95-09-069	419-72-025	AMD	95-09-049	434-120-315	PREP	95-06-050
415-112-145	NEW-P	95-09-069	419-72-030	REP	95-09-049	434-120-315	NEW-P	95-08-072
415-112-155	NEW-P	95-09-069	419-72-035	REP	95-09-049	434-120-315	NEW	95-11-135
415-112-409	NEW-W	95-02-058	419-72-040	REP	95-09-049	434-120-317	PREP	95-06-050
415-113-005	NEW	95-03-001	419-72-041	NEW	95-09-049	434-120-317	NEW-P	95-08-072
415-113-010	REP	95-03-001	419-72-045	AMD	95-09-049	434-120-317	NEW	95-11-135
415-113-020	REP	95-03-001	419-72-050	AMD	95-09-049	434-120-330	PREP	95-06-050
415-113-030	AMD	95-03-001	419-72-055	REP	95-09-049	434-120-330	AMD-P	95-08-072
415-113-0301	NEW	95-03-001	419-72-060	AMD	95-09-049	434-120-330	AMD	95-11-135
415-113-0302	NEW	95-03-001	419-72-065	AMD	95-09-049	434-120-335	PREP	95-06-050
415-113-0303	NEW	95-03-001	419-72-068	NEW-W	95-02-059	434-120-335	AMD-P	95-08-072
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434-135-020	PREP	95-11-133	458-08-020	REP	95-07-067	458-16A-020	NEW	95-06-042
434-135-020	NEW-P	95-12-101	458-08-030	REP-P	95-04-051	458-18-220	AMD-P	95-02-064
434-135-030	PREP	95-11-133	458-08-030	REP	95-07-067	458-18-220	AMD	95-06-044
434-135-030	NEW-P	95-12-101	458-08-040	REP-P	95-04-051	458-20-10001	NEW-P	95-04-054
434-135-040	PREP	95-11-133	458-08-040	REP	95-07-067	458-20-10001	NEW	95-07-070
434-135-040	NEW-P	95-12-101	458-08-050	REP-P	95-04-051	458-20-10002	NEW-P	95-04-052
434-135-050	PREP	95-11-133	458-08-050	REP	95-07-067	458-20-10002	NEW	95-07-069
434-135-050	NEW-P	95-12-101	458-08-060	REP-P	95-04-051	458-20-101	AMD-P	95-04-019
434-135-060	PREP	95-11-133	458-08-060	REP	95-07-067	458-20-101	AMD	95-07-089
434-135-060	NEW-P	95-12-101	458-08-070	REP-P	95-04-051	458-20-104	AMD-P	95-04-018
434-135-070	PREP	95-11-133	458-08-070	REP	95-07-067	458-20-104	AMD	95-07-088
434-135-070	NEW-P	95-12-101	458-08-080	REP-P	95-04-051	458-20-114	PREP	95-11-080
434-135-080	PREP	95-11-133	458-08-080	REP	95-07-067	458-20-183	PREP	95-03-092
434-135-080	NEW-P	95-12-101	458-08-090	REP-P	95-04-051	458-20-183	AMD-P	95-11-081
434-135-090	PREP	95-11-133	458-08-090	REP	95-07-067	458-20-18601	AMD-P	95-04-053
434-135-090	NEW-P	95-12-101	458-08-100	REP-P	95-04-051	458-20-18601	AMD	95-07-068
434-135-100	PREP	95-11-133	458-08-100	REP	95-07-067	458-20-189	PREP	95-04-079
434-135-110	PREP	95-11-133	458-08-110	REP-P	95-04-051	458-20-207	AMD-P	95-11-040
434-135-120	PREP	95-11-133	458-08-110	REP	95-07-067	458-20-211	PREP	95-05-025
434-135-120	NEW-P	95-12-101	458-08-120	REP-P	95-04-051	458-20-258	AMD-P	95-03-050
434-135-130	PREP	95-11-133	458-08-120	REP	95-07-067	458-30-200	AMD-P	95-13-066
434-135-140	PREP	95-11-133	458-08-130	REP-P	95-04-051	458-30-205	AMD-P	95-13-066
434-135-150	PREP	95-11-133	458-08-130	REP	95-07-067	458-30-210	AMD-P	95-13-066
434-135-150	NEW-P	95-12-101	458-08-140	REP-P	95-04-051	458-30-215	AMD-P	95-13-066
434-135-160	PREP	95-11-133	458-08-140	REP	95-07-067	458-30-220	AMD-P	95-13-066
434-135-160	NEW-P	95-12-101	458-08-150	REP-P	95-04-051	458-30-225	AMD-P	95-13-066
434-135-170	PREP	95-11-133	458-08-150	REP	95-07-067	458-30-230	AMD-P	95-13-066
434-135-170	NEW-P	95-12-101	458-08-160	REP-P	95-04-051	458-30-232	NEW-P	95-13-066
434-135-180	PREP	95-11-133	458-08-160	REP	95-07-067	458-30-235	REP-P	95-13-066
434-135-190	PREP	95-11-133	458-08-170	REP-P	95-04-051	458-30-240	AMD-P	95-13-066
434-135-190	NEW-P	95-12-101	458-08-170	REP	95-07-067	458-30-242	NEW-P	95-13-066
446-65-010	AMD-E	95-08-048	458-08-180	REP-P	95-04-051	458-30-245	AMD-P	95-13-066
446-65-010	PREP	95-09-075	458-08-180	REP	95-07-067	458-30-250	AMD-P	95-13-066
446-65-010	AMD-P	95-10-058	458-08-190	REP-P	95-04-051	458-30-255	AMD-P	95-13-066
446-65-010	AMD	95-13-080	458-08-190	REP	95-07-067	458-30-260	AMD-P	95-13-066
446-65-020	NEW-E	95-08-048	458-08-200	REP-P	95-04-051	458-30-262	PREP	95-02-063
446-65-020	PREP	95-09-075	458-08-200	REP	95-07-067	458-30-262	AMD-P	95-06-040
446-65-020	NEW-P	95-10-058	458-08-210	REP-P	95-04-051	458-30-262	AMD	95-09-041
446-65-020	NEW	95-13-080	458-08-210	REP	95-07-067	458-30-265	AMD-P	95-13-066
456-09-110	AMD	95-05-033	458-08-220	REP-P	95-04-051	458-30-267	NEW-P	95-13-066
456-09-130	AMD	95-05-033	458-08-220	REP	95-07-067	458-30-270	AMD-P	95-13-066
456-09-230	AMD	95-05-033	458-08-230	REP-P	95-04-051	458-30-275	AMD-P	95-13-066
456-09-320	AMD	95-05-033	458-08-230	REP	95-07-067	458-30-280	AMD-P	95-13-066
456-09-325	AMD	95-05-033	458-08-240	REP-P	95-04-051	458-30-285	AMD-P	95-13-066
456-09-330	AMD	95-05-033	458-08-240	REP	95-07-067	458-30-290	REP-P	95-13-066
456-09-340	AMD	95-05-033	458-08-250	REP-P	95-04-051	458-30-295	AMD-P	95-13-066
456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067	458-30-300	AMD-P	95-13-066
456-09-365	AMD	95-05-033	458-08-260	REP-P	95-04-051	458-30-305	AMD-P	95-13-066
456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067	458-30-310	AMD-P	95-13-066
456-09-705	AMD	95-05-033	458-08-270	REP-P	95-04-051	458-30-315	AMD-P	95-13-066
456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067	458-30-317	NEW-P	95-13-066
456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139	458-30-320	AMD-P	95-13-066
456-09-730	AMD	95-05-033	458-14-005	AMD-P	95-12-087	458-30-325	AMD-P	95-13-066
456-09-930	AMD	95-05-033	458-14-015	PREP	95-07-139	458-30-330	AMD-P	95-13-066
456-09-935	AMD	95-05-033	458-14-015	AMD-P	95-12-087	458-30-335	AMD-P	95-13-066
456-09-945	AMD	95-05-033	458-14-056	PREP	95-07-139	458-30-340	AMD-P	95-13-066
456-09-955	AMD	95-05-033	458-14-056	AMD-P	95-12-087	458-30-345	AMD-P	95-13-066
456-10-110	AMD	95-05-032	458-14-066	PREP	95-07-139	458-30-350	AMD-P	95-13-066
456-10-140	AMD	95-05-032	458-14-066	AMD-P	95-12-087	458-30-355	AMD-P	95-13-066
456-10-320	AMD	95-05-032	458-14-116	PREP	95-07-139	458-30-360	NEW-P	95-13-066
456-10-325	AMD	95-05-032	458-14-116	AMD-P	95-12-086	458-30-500	AMD-P	95-13-066
456-10-330	AMD	95-05-032	458-14-127	PREP	95-07-139	458-30-510	AMD-P	95-13-066
456-10-340	AMD	95-05-032	458-14-127	AMD-P	95-12-086	458-30-520	AMD-P	95-13-066
456-10-360	AMD	95-05-032	458-14-146	PREP	95-07-139	458-30-525	NEW-P	95-13-066
456-10-505	AMD	95-05-032	458-14-146	AMD-P	95-12-086	458-30-530	AMD-P	95-13-066
456-10-510	AMD	95-05-032	458-14-160	PREP	95-07-139	458-30-540	AMD-P	95-13-066
456-10-525	AMD	95-05-032	458-14-160	AMD-P	95-12-086	458-30-550	AMD-P	95-13-066
456-10-530	AMD	95-05-032	458-14-170	PREP	95-07-139	458-30-560	AMD-P	95-13-066
456-10-730	AMD	95-05-032	458-14-170	AMD-P	95-12-086	458-30-570	AMD-P	95-13-066
456-10-755	AMD	95-05-032	458-14-171	PREP	95-07-139	458-30-580	AMD-P	95-13-066
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458-40-610	PREP	95-04-094	460-20A-410	REP-P	95-11-079	478-168-096	AMD-P	95-08-053
458-40-610	AMD-E	95-10-034	460-20A-415	REP-P	95-11-079	478-168-100	REP-P	95-08-053
458-40-610	AMD-P	95-10-064	460-20A-420	REP-P	95-11-079	478-168-110	REP-P	95-08-053
458-40-615	PREP	95-08-078	460-20A-425	REP-P	95-11-079	478-168-120	REP-P	95-08-053
458-40-615	AMD-P	95-11-039	460-20B-010	NEW-P	95-11-079	478-168-130	REP-P	95-08-053
458-40-640	PREP	95-08-078	460-20B-020	NEW-P	95-11-079	478-168-140	REP-P	95-08-053
458-40-640	AMD-P	95-11-039	460-20B-030	NEW-P	95-11-079	478-168-150	REP-P	95-08-053
458-40-650	PREP	95-04-094	460-20B-040	NEW-P	95-11-079	478-168-160	AMD-P	95-08-053
458-40-650	AMD-E	95-10-035	460-20B-050	NEW-P	95-11-079	478-168-170	AMD-P	95-08-053
458-40-650	AMD-P	95-10-064	460-20B-060	NEW-P	95-11-079	478-168-180	AMD-P	95-08-053
458-40-660	PREP	95-08-078	460-21B-008	NEW-P	95-11-079	478-168-200	AMD-P	95-08-053
458-40-660	AMD-P	95-11-041	460-21B-010	NEW-P	95-11-079	478-168-270	AMD-P	95-08-053
458-40-670	PREP	95-04-094	460-21B-020	NEW-P	95-11-079	478-168-280	AMD-P	95-08-053
458-40-670	PREP	95-08-078	460-21B-030	NEW-P	95-11-079	478-168-290	AMD-P	95-08-053
458-40-670	AMD-E	95-10-036	460-21B-040	NEW-P	95-11-079	478-168-294	AMD-P	95-08-053
458-40-670	AMD-P	95-10-064	460-21B-050	NEW-P	95-11-079	478-168-300	AMD-P	95-08-053
458-40-670	AMD-P	95-11-041	460-21B-060	NEW-P	95-11-079	478-168-310	AMD-P	95-08-053
458-40-670	AMD-W	95-11-076	460-21B-070	NEW-P	95-11-079	478-168-320	AMD-P	95-08-053
458-40-680	PREP	95-04-094	460-21B-080	NEW-P	95-11-079	478-168-325	NEW-P	95-08-053
458-40-680	AMD-E	95-10-037	460-22B-010	NEW-P	95-11-079	478-168-330	AMD-P	95-08-053
458-40-680	AMD-P	95-10-064	460-22B-020	NEW-P	95-11-079	478-168-340	AMD-P	95-08-053
458-40-680	AMD-W	95-11-075	460-22B-030	NEW-P	95-11-079	478-168-345	NEW-P	95-08-053
458-40-684	PREP	95-08-078	460-22B-040	NEW-P	95-11-079	478-168-350	AMD-P	95-08-053
458-40-684	AMD-P	95-11-039	460-22B-050	NEW-P	95-11-079	478-168-360	AMD-P	95-08-053
458-40-690	PREP	95-08-078	460-22B-060	NEW-P	95-11-079	478-168-380	AMD-P	95-08-053
458-53-010	PREP	95-09-083	460-22B-070	NEW-P	95-11-079	478-168-390	AMD-P	95-08-053
458-53-020	PREP	95-09-083	460-22B-080	NEW-P	95-11-079	479-01-010	AMD	95-04-072
458-53-030	PREP	95-09-083	460-22B-090	NEW-P	95-11-079	479-01-020	AMD	95-04-072
458-53-040	PREP	95-09-083	460-23B-010	NEW-P	95-11-079	479-01-030	AMD	95-04-072
458-53-050	PREP	95-09-083	460-23B-020	NEW-P	95-11-079	479-01-040	AMD	95-04-072
458-53-051	PREP	95-09-083	460-23B-030	NEW-P	95-11-079	479-02-030	AMD	95-04-072
458-53-070	PREP	95-09-083	460-23B-040	NEW-P	95-11-079	479-02-070	AMD	95-04-072
458-53-080	PREP	95-09-083	460-23B-050	NEW-P	95-11-079	479-02-100	AMD	95-04-072
458-53-090	PREP	95-09-083	460-23B-060	NEW-P	95-11-079	479-02-110	AMD	95-04-072
458-53-095	PREP	95-09-083	460-24A-046	NEW-P	95-11-079	479-02-120	AMD	95-04-072
458-53-100	PREP	95-09-083	460-24A-050	AMD-P	95-11-079	479-02-130	AMD	95-04-072
458-53-105	PREP	95-09-083	460-24A-055	AMD-P	95-11-079	479-12-005	NEW	95-04-072
458-53-110	PREP	95-09-083	460-33A-080	AMD-P	95-11-079	479-12-008	NEW	95-04-072
458-53-120	PREP	95-09-083	460-33A-081	NEW-P	95-11-079	479-12-010	AMD	95-04-072
458-53-130	PREP	95-09-083	460-33A-085	AMD-P	95-11-079	479-12-020	AMD	95-04-072
458-53-135	PREP	95-09-083	460-33A-086	NEW-P	95-11-079	479-13-010	AMD	95-04-072
458-53-140	PREP	95-09-083	460-52A-010	AMD-P	95-08-016	479-13-011	NEW	95-04-072
458-53-141	PREP	95-09-083	460-52A-010	AMD	95-12-003	479-13-025	AMD	95-04-072
458-53-142	PREP	95-09-083	460-80-315	AMD-P	95-04-097	479-13-035	AMD	95-04-072
458-53-150	PREP	95-09-083	460-80-315	AMD	95-08-015	479-13-060	REP	95-04-072
458-53-160	PREP	95-09-083	463-39	PREP	95-09-078	479-13-070	AMD	95-04-072
458-53-163	PREP	95-09-083	463-39-005	AMD-P	95-13-039	479-16-010	AMD	95-04-072
458-53-165	PREP	95-09-083	463-39-020	AMD-P	95-13-039	479-16-015	AMD	95-04-072
458-53-180	PREP	95-09-083	463-39-030	AMD-P	95-13-039	479-16-016	AMD	95-04-072
458-53-200	PREP	95-09-083	463-39-090	AMD-P	95-13-039	479-16-030	AMD	95-04-072
458-53-210	PREP	95-09-083	463-39-095	NEW-P	95-13-039	479-16-035	AMD	95-04-072
460-10A-015	AMD-P	95-11-079	463-39-105	NEW-P	95-13-039	479-16-040	AMD	95-04-072
460-20A-005	REP-P	95-11-079	463-39-120	AMD-P	95-13-039	479-16-045	AMD	95-04-072
460-20A-008	REP-P	95-11-079	468-32-010	PREP	95-04-070	479-16-060	AMD	95-04-072
460-20A-010	REP-P	95-11-079	468-32-010	NEW-P	95-04-071	479-16-070	REP	95-04-072
460-20A-015	REP-P	95-11-079	468-32-010	NEW	95-07-106	479-16-072	REP	95-04-072
460-20A-020	REP-P	95-11-079	468-51	PREP	95-10-001A	479-16-072	REP	95-04-072
460-20A-025	REP-P	95-11-079	468-95-100	AMD-E	95-07-051	479-16-080	AMD	95-04-072
460-20A-030	REP-P	95-11-079	468-95-100	AMD-P	95-07-081	479-16-085	NEW	95-04-072
460-20A-035	REP-P	95-11-079	468-95-100	AMD	95-11-022	479-16-090	REP	95-04-072
460-20A-045	REP-P	95-11-079	478-168	PREP	95-07-101	479-16-091	REP	95-04-072
460-20A-050	REP-P	95-11-079	478-168-010	AMD-P	95-08-053	479-16-092	REP	95-04-072
460-20A-100	REP-P	95-11-079	478-168-020	AMD-P	95-08-053	479-16-094	REP	95-04-072
460-20A-105	REP-P	95-11-079	478-168-030	REP-P	95-08-053	479-16-096	REP	95-04-072
460-20A-200	REP-P	95-11-079	478-168-035	NEW-P	95-08-053	479-16-098	AMD	95-04-072
460-20A-205	REP-P	95-11-079	478-168-040	REP-P	95-08-053	479-20-007	AMD	95-04-072
460-20A-210	REP-P	95-11-079	478-168-050	REP-P	95-08-053	479-20-010	AMD	95-04-072
460-20A-215	REP-P	95-11-079	478-168-060	REP-P	95-08-053	479-20-011	AMD	95-04-072
460-20A-220	REP-P	95-11-079	478-168-070	AMD-P	95-08-053	479-20-013	AMD	95-04-072
460-20A-230	REP-P	95-11-079	478-168-080	AMD-P	95-08-053	479-20-016	AMD	95-04-072
460-20A-235	REP-P	95-11-079	478-168-090	REP-P	95-08-053	479-20-020	AMD	95-04-072
460-20A-400	REP-P	95-11-079	478-168-092	AMD-P	95-08-053	479-20-025	AMD	95-04-072
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479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072	480-14-320	NEW-E	95-10-038
479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072	480-14-330	NEW-E	95-10-038
479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072	480-14-340	NEW-E	95-10-038
479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072	480-14-350	NEW-E	95-10-038
479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072	480-14-360	NEW-E	95-10-038
479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072	480-14-370	NEW-E	95-10-038
479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072	480-14-380	NEW-E	95-10-038
479-112	AMD	95-04-072	479-420-089	NEW	95-04-072	480-14-390	NEW-E	95-10-038
479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072	480-14-400	NEW-E	95-10-038
479-112-003	NEW	95-04-072	480-09	PREP	95-06-089	480-14-410	NEW-E	95-10-038
479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088	480-14-420	NEW-E	95-10-038
479-112-0055	NEW	95-04-072	480-12-001	NEW-E	95-10-038	480-14-900	NEW-E	95-10-038
479-112-008	AMD	95-04-072	480-12-075	REP-E	95-10-038	480-93-005	AMD-E	95-05-047
479-112-009	AMD	95-04-072	480-12-082	REP-E	95-10-038	480-93-005	AMD-P	95-08-067
479-112-017	AMD	95-04-072	480-12-085	REP-E	95-10-038	480-93-005	AMD	95-13-082
479-113-010	AMD	95-04-072	480-12-090	REP-E	95-10-038	480-93-010	AMD-E	95-05-047
479-113-011	AMD	95-04-072	480-12-095	REP-E	95-10-038	480-93-010	AMD-P	95-08-067
479-113-029	AMD	95-04-072	480-12-105	REP-E	95-10-038	480-93-010	AMD	95-13-082
479-113-031	AMD	95-04-072	480-12-110	REP-E	95-10-038	480-120-081	AMD	95-05-003
479-113-032	REP	95-04-072	480-12-131	REP-E	95-10-038	480-120-141	PREP	95-05-046
479-113-035	AMD	95-04-072	480-12-137	REP-E	95-10-038	480-120-141	AMD-P	95-07-130
479-113-070	NEW	95-04-072	480-12-140	REP-E	95-10-038	480-120-141	AMD	95-10-039
479-116-010	NEW	95-04-072	480-12-155	REP-E	95-10-038	480-120-530	AMD-P	95-04-111
479-116-016	AMD	95-04-072	480-12-160	REP-E	95-10-038	480-120-530	AMD	95-09-002
479-116-035	AMD	95-04-072	480-12-181	REP-E	95-10-038	480-146-010	AMD-P	95-08-068
479-116-045	AMD	95-04-072	480-12-195	REP-E	95-10-038	480-146-020	AMD-P	95-08-068
479-116-070	NEW	95-04-072	480-12-196	REP-E	95-10-038	480-146-030	AMD-P	95-08-068
479-116-080	NEW	95-04-072	480-12-205	REP-E	95-10-038	480-146-050	AMD-P	95-08-068
479-120-010	NEW	95-04-072	480-12-225	REP-E	95-10-038	480-146-060	AMD-P	95-08-068
479-120-011	NEW	95-04-072	480-12-230	REP-E	95-10-038	480-146-070	PREP	95-03-094
479-120-013	NEW	95-04-072	480-12-233	REP-E	95-10-038	480-146-070	AMD-P	95-08-068
479-120-016	NEW	95-04-072	480-12-240	REP-E	95-10-038	480-146-080	PREP	95-03-094
479-120-025	NEW	95-04-072	480-12-245	REP-E	95-10-038	480-146-080	AMD-P	95-08-068
479-120-027	NEW	95-04-072	480-12-253	REP-E	95-10-038	480-146-100	PREP	95-03-094
479-120-031	NEW	95-04-072	480-12-260	REP-E	95-10-038	480-146-100	REP-P	95-08-068
479-120-033	REP	95-04-072	480-12-305	REP-E	95-10-038	480-146-200	PREP	95-03-094
479-120-037	NEW	95-04-072	480-12-310	REP-E	95-10-038	480-146-200	AMD-P	95-08-068
479-120-086	NEW	95-04-072	480-12-321	REP-E	95-10-038	480-146-210	PREP	95-03-094
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Instant game number 139 - 100 Grands	PERM	95-03-062		MISC	95-13-011
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	PROP	95-08-073	equipment, availability	PERM	95-03-049
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