

Washington State Register

SEPTEMBER 6, 1995

OLYMPIA, WASHINGTON

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filed not later than August 23, 1995

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of September 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.

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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 Dilley
Chair, Statute Law Committee

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry 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].

1995 - 1996

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 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
96-09	Mar 20	Apr 3	Apr 17	May 1	May 21
96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
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96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

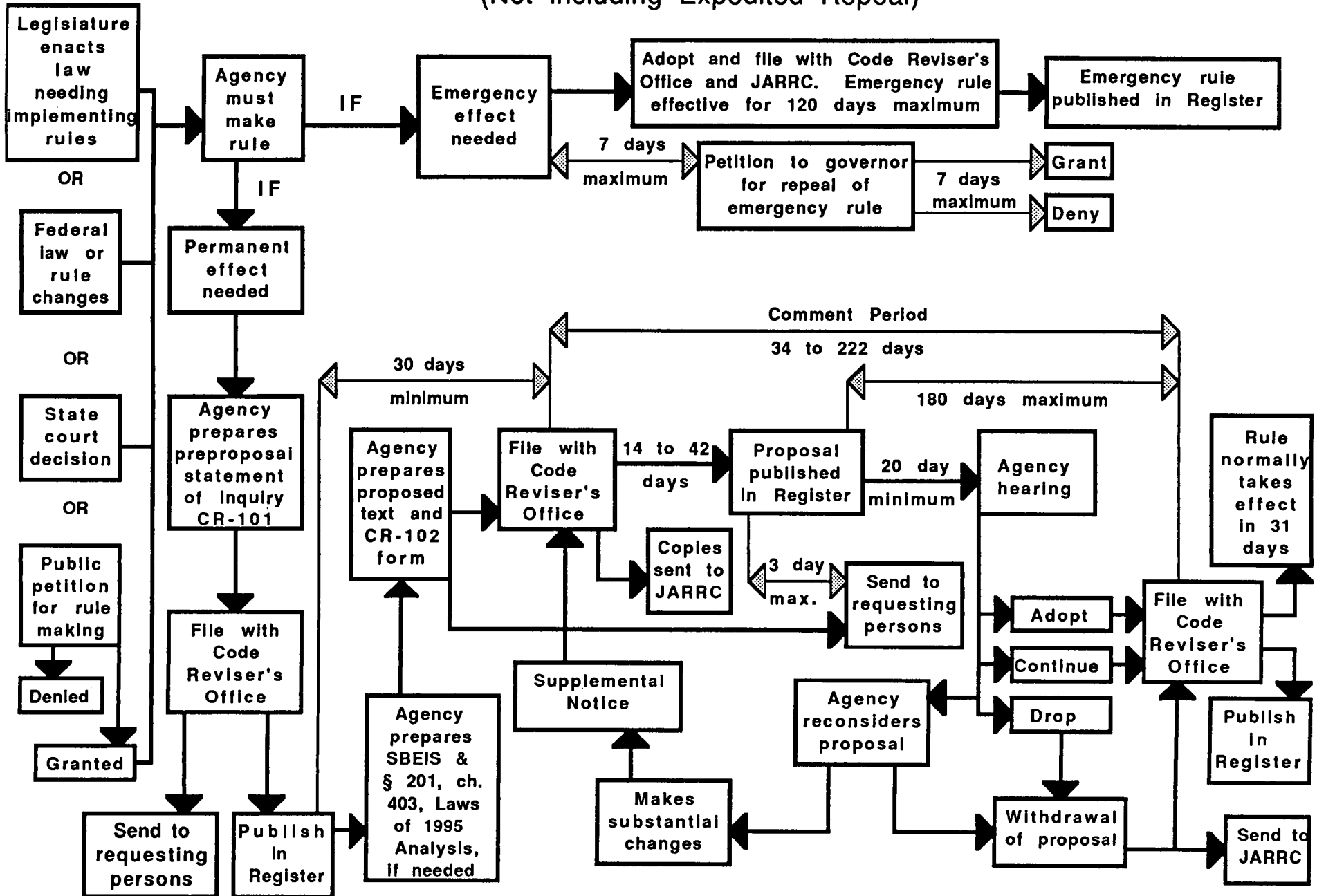
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 95-17-003
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
MARINE SAFETY

[Filed August 2, 1995, 1:45 p.m.]

Subject of Possible Rule Making: The Office of Marine Safety intends to amend chapter 317-21 WAC which requires oil spill prevention plans for tank vessel owners and operators. The amendments will correct technical and format errors, and clarify provisions relating to pilot coordination and testing programs for alcohol and illicit drug use.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.46.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments are needed to ensure the provisions of chapter 317-21 WAC are easily read and understood, to eliminate any perceived conflict with the duties of state-licensed pilots, and to clarify that the provision requiring a testing program for illicit drug use tests only those drugs for which the Coast Guard has approved testing protocols.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Coast Guard and the Washington State Board of Pilotage Commissioners. The Office of Marine Safety has met and corresponded with affected parties to receive input. The Office of Marine Safety's administrator is a member of the Board of Pilotage Commissioners, and a Coast Guard representative is an advisory member of the Office of Marine Safety's permanent advisory committee.

Process for Developing New Rule: Prior to proposing the amendments, the Office of Marine Safety will meet with the Board of Pilotage Commissioners, tank vessel owners and operators, and labor unions. Public hearings will be held after the amendments are published in the Washington State Register.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be sent to Stan Norman, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, (360) 664-9110, FAX (360) 664-9127.

July 28, 1995
 Barbara Herman
 Administrator

WSR 95-17-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed August 7, 1995, 10:59 a.m.]

Subject of Possible Rule Making: Checks dishonored by nonacceptance or nonpayment; handling fee; liability for interest and collection costs; attorney's fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 62A3-515 [62A.3-515].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with OFM regulation 2.2.4.3.3f (2)(a) effective July 1, 1995, to establish the handling fee of NSF checks by rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Financial Management (OFM) regulations manual and Department of General Administration (GA), contract No. 79-92. Our WAC satisfies OFM regulations and refers to handling fees stated in GA contract.

Process for Developing New Rule: This revised rule enables the department to assess a handling fee in accordance with current commercial practices.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. No meetings scheduled since this is [a] revision of existing rule. Interested parties can contact Larry Julius, Financial Manager, Washington State Department of Transportation, Transportation Building, Mailstop 47420, Olympia, Washington 98504-7420, (360) 705-7530.

August 4, 1995
 S. A. Moon
 Deputy Secretary
 for Operations

WSR 95-17-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed August 7, 1995, 2:08 p.m.]

Subject of Possible Rule Making: Regional transportation planning and regional transportation planning organizations (RTPOs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.80.070 and SHB 1928, section 5.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule provides a framework for statewide and regional consistency in the performance and development of the regional transportation planning process. These rules will clarify the implementation of SHB 1928 (chapter 47.80 RCW) and reduce conflict in the planning process within regional transportation planning organizations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration (FHWA) also establishes rules regarding transportation planning for both states and for metropolitan areas of 50,000 population or more. This WAC will coordinate local transportation planning efforts within these urban areas and also provide guidelines to rural areas that are consistent and compatible with the federal legislation. Washington State Department of Transportation works closely with FHWA in administering the federal transportation rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Osterhout at the Washington State Department of Transportation, Transportation Building, P.O. Box 47370, Olympia, WA 98504-7370, phone (206) 705-7963, FAX (206) 705-6813.

August 7, 1995
S. A. Moon
Deputy Secretary
for Operations

WSR 95-17-016
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed August 7, 1995, 2:20 p.m.]

Subject of Possible Rule Making: New area source rules which are a part of Vancouver's ozone maintenance plan for the redesignation of the Vancouver air quality maintenance area to attainment status for ozone. These rules will reduce the emissions of (VOCs) in the categories of motor vehicle refinishing, consumer products, spray paints and architectural coatings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141, 70.94.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a condition for redesignation to attainment status, an ozone maintenance plan must be prepared for the Vancouver air quality maintenance area which will demonstrate how attainment will be maintained in spite of future growth. These area source rules provide significant reductions of VOCs, which are ozone precursors, in support of that plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Oregon Department of Environment Quality (Oregon DEQ) developed and adopted these same VOC area source rules through a negotiated process with all regional and national interested parties involved. The Vancouver, Washington area and Oregon DEQ have coordinated closely to attempt to develop a common plan to prevent the deterioration in the metro area's ozone air quality.

Process for Developing New Rule: Maintenance plan planning process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Southwest Air Pollution Control Authority's Technical Advisory Committee and Oregon DEQ have been working on this rule for 1 1/2 years. Other interested parties may write to Jennifer Brown, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925.

August 1, 1995
Robert D. Elliott
Executive Director

WSR 95-17-017
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed August 7, 1995, 2:21 p.m.]

Subject of Possible Rule Making: Amendments to Southwest Air Pollution Control Authority 492, Oxygenated Fuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141(1), 70.94.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Vancouver, Washington area now meets federal air quality health levels for carbon monoxide and the community is going to be filing with EPA to redesignate the area to attainment status. A maintenance plan must be submitted with this redesignation request. Southwest Air Pollution Control Authority's maintenance plan for carbon monoxide will be ceasing the use of the current oxygenated fuel program but will keep the rule in place as a contingency measure in case of future carbon monoxide air quality problems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology has a state rule on oxygenated fuels and [has] been represented in the maintenance plan process. Ecology will also be amending the state rule chapter 173-492 WAC to appropriately reflect the changes in SWAPCA 492. This rule will be part of the carbon monoxide maintenance plan that will be forwarded to EPA for approval and redesignation of the Vancouver area to "clean air" community.

Process for Developing New Rule: Maintenance plan planning process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Southwest Air Pollution Control Authority's Technical Advisory Committee has been working on this rule for 1 1/2 years. Interested parties may write to Jennifer Brown, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925.

August 1, 1995
Robert D. Elliott
Executive Director

WSR 95-17-018
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed August 7, 1995, 2:22 p.m.]

Subject of Possible Rule Making: Amendments to SWAPCA 400, General Regulations for Air Pollution Sources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141, 70.94.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a condition for redesignation to attainment status, an ozone maintenance plan and a carbon monoxide maintenance plan must be prepared for the Vancouver air quality maintenance area. The amendments to SWAPCA 400 will incorporate changes to the regulations applicable to the maintenance plan.

Process for Developing New Rule: Maintenance plan planning process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may write to Jennifer Brown,

Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925.

August 1, 1995
Robert D. Elliott
Executive Director

publication by contacting Nancy Zussy, State Librarian, Washington State Library, P.O. Box 42460, Olympia, WA 98504-2460, (360) 753-2915, FAX (360) 586-7575, Internet nzussy@wln.com.

August 7, 1995
Nancy Zussy
State Librarian

WSR 95-17-019

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LIBRARY

[Filed August 7, 1995, 3:33 p.m.]

Subject of Possible Rule Making: Repeal of WAC 304-12-020 and 304-12-025. Washington State Library Planning and Development Committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: No longer needed, committee accomplished its work quite some time ago, reactivation not anticipated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Consideration at December 8, 1995, Washington State Library Commission meeting; receipt of testimony; action.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Zussy, State Librarian, Washington State Library, P.O. Box 42460, Olympia, WA 98504-2460, (360) 753-2915, FAX (360) 586-7575 Internet nzussy@wln.com.

August 7, 1995
Nancy Zussy
State Librarian

WSR 95-17-021

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LIBRARY

[Filed August 7, 1995, 3:36 p.m.]

Subject of Possible Rule Making: Repeal of WAC pertaining to the Western Library Network, chapter 304-25 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: No longer needed. The state library has not supervised the Western Library Network, which has been privatized, since December 31, 1990.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Consideration at December 8, 1995, Washington State Library Commission meeting; receipt of testimony; action.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Zussy, State Librarian, Washington State Library, P.O. Box 42460, Olympia, WA 98504-2460, (360) 753-2915, FAX (360) 586-7575, Internet nzussy@wln.com.

August 7, 1995
Nancy Zussy
State Librarian

WSR 95-17-020

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LIBRARY

[Filed August 7, 1995, 3:34 p.m.]

Subject of Possible Rule Making: Eliminating and/or changing requirements in competitive grant program Library Services and Construction Act (federal program) grants to local libraries (WAC 304-12-145, 304-12-290, 304-12-350, 304-12-370, 304-12-275).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.04.030(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements placed on local subgrantees can be simplified while maintaining adequate accountability for and control of federal funds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Consideration at December 8, 1995, Washington State Library Commission meeting; receipt of testimony; action.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

WSR 95-17-022

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 7, 1995, 3:39 p.m.]

Subject of Possible Rule Making: To establish renewal/expiration dates for food storage warehouse licenses as required under chapter 374, Laws of 1995.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 10, chapter 374, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement licensure, by establishing renewal/expiration dates for license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Food storage warehouses and other interested parties will be given an opportunity to comment and have their input weighted in establishing required renewal/expiration dates.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by contacting Verne E. Hedlund, Food Safety Program Manager, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1360, FAX (360) 902-2087.

August 7, 1995
Candace A. Jacobs
Assistant Director

WSR 95-17-024
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LIBRARY

[Filed August 8, 1995, 8:25 a.m.]

Subject of Possible Rule Making: Repeal of WAC 304-12-010 Responsibilities of the Washington State Library Commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.04.030(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section effectively duplicates authority already vested in RCW 27.04.045.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Consideration at December 8, 1995, Washington State Library Commission meeting; receipt of testimony; action.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by Contacting Nancy Zussy, Washington State Library, P.O. Box 42460, Olympia, WA 98504-2460, (360) 753-2915, FAX (360) 586-7575, Internet nzussy@wln.com.

August 7, 1995
Nancy Zussy
State Librarian

WSR 95-17-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

(Residential Care Services)

(Public Assistance)

[Filed August 8, 1995, 8:31 a.m.]

Subject of Possible Rule Making: Adult family homes, chapter 388-76 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1908, chapter 18, Laws of 1995; SSB 5799, chapter 260, Laws of 1995; and chapter 70.128 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of E2SHB 1908 and SSB 5799, the 1995 legislature mandated the Department of Social and Health Services to develop a wide array of rules to govern the operation of adult family homes in Washington state. The Department of Social and Health Services is directed to define license levels based upon the education, training, and caregiving experience of providers and staff. Rules are mandated for licensing standards for nonresident providers and multiple facility operators as well

as educational standards for multiple facility operators. Rules and standards must recognize the differences between individual and corporate operators. Rules must also recognize the different needs and capacities of the various populations served by adult family homes. The Department of Social and Health Services is required to develop rules for enforcement actions to be used with adult family homes and rules for activities to be offered residents by adult family homes. The goal or desired outcome of rule development is to enhance and strengthen adult family homes as a viable long term residential care option that provides high quality services in a homelike environment. To ensure the adult family homes satisfy the statutory requirements defined by the 1995 legislature in E2SHB 1908 and SSB 5799.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies have any direct regulatory authority over adult family homes in Washington state. The state fire marshal has indirect authority through the development and oversight of building codes that adult family homes must satisfy. The state fire marshal will be notified and involved in the development or amendment of any adult family home regulations addressing building safety/structural requirements.

Process for Developing New Rule: The Aging and Adult Services Administration will conduct an internal and external review and approval process, giving consideration to all comments and recommendations, prior to filing form CR-102, notice of proposed rule making. The Aging and Adult Services Administration will employ a comprehensive participatory approach to involve stakeholders, consumer advocates, interest groups, adult family home service providers and consumers, appropriate the Department of Social and Health Services divisions including developmental disabilities and mental health, and interested public citizens. The Aging and Adult Services Administration staff will prepare initial draft regulations which will be provided to all key Aging and Adult Services Administration stakeholders for review. Those stakeholders will include, but not be limited to, the state's long term care ombudsman, consumer associations and organizations representing the diverse populations residing in adult family homes, legal advocates, service provider associations, and other entities/individuals serving adult family home consumers. A series of public meetings will be held at approximately six locations around the state. The purpose of the meetings will be to discuss the initial draft regulations and to seek comments and recommendations. Notice of dates, times, and locations of the public meetings will be mailed out in advance. The initial draft regulations will be mailed to interested parties at least one week before the first public meeting. During the public meetings and throughout the rule development process, particular attention will be paid to soliciting ideas and input from persons/entities with interest and expertise in issues related to specialized populations living in adult family homes (e.g., adult family home residents who have developmental disabilities, mental illnesses, or dementia). Following the public meetings, all comments and recommendations received at those meetings will be thoroughly reviewed and considered before and during the process of drafting proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may submit verbal or written comments, concerns, and recommendations to the Aging and Adult Services Administration at any time prior to filing the notice of proposed rule making. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Any interested party may request and receive a copy of the initial draft regulations to be discussed at the public meetings. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments for consideration. Contact person for the rule development process will be John Gaskell, Policy Analyst, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 438-7937, FAX (360) 438-7903, TDD 407-0212 or 1-800-737-7931.

August 8, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-028
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 8, 1995, 3:42 p.m.]

Subject of Possible Rule Making: Chapter 180-20 WAC, School bus transportation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments would clarify the definition of a Type 2 school activities driver in order to respond to school district and legislative concerns about the current definition. Note: This preproposal statement of inquiry supersedes the previous statement filed under WSR 95-16-059 on July 20, 1995, to provide for the amendment of other sections in chapter 180-20 WAC as may be necessary to accomplish the intent stated above.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending 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 Larry Davis, (360) 753-6715.

August 8, 1995
Larry Davis
Executive Director

WSR 95-17-033
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 9, 1995, 11:09 a.m.]

Subject of Possible Rule Making: This proposed revision to chapter 180-25 WAC will delete in its entirety WAC 180-25-032.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When this rule was adopted in 1992 for priority funding purposes, school districts were required to provide additional building condition data over that which was currently on file. To assist districts gather and provide this information, provisions were made for districts to apply for and receive reimbursement until July 1, 1995.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending 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 Alberta J. Mehring, (360) 753-6702.

August 8, 1995
Larry Davis
Executive Director

WSR 95-17-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 9, 1995, 11:17 a.m.]

Subject of Possible Rule Making: Revision of weights and measures, chapter 16-674 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal current device inspection fees; establish device registration under the Department of Licensing, master license service; repeal city weights and measures report forms; establish "special inspection" fees; establish service agent registration under the Department of Agriculture; other language clarification as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: City weights and measures jurisdictions perform regulatory responsibilities in the cities of Everett, Seattle and Spokane. There is no duplication of responsibilities between

city and state jurisdictions. City/state coordination meetings are conducted regularly.

Process for Developing New Rule: The department will convene the Weights and Measures Advisory Committee, which represents business, city and state regulatory and consumer interests to solicit recommendations regarding rule amendments. Interested parties please refer below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties desiring to participate in this process and/or attend the Advisory Committee meeting should contact the Washington State Department of Agriculture, Attention: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1857, for the date and time of the Advisory Committee meeting and/or to obtain a copy of the proposed rules. Written comments should be submitted to the Washington State Department of Agriculture by no later than 5:00 p.m., November 6, 1995.

August 9, 1995
Julie C. Sandberg
Assistant Director

WSR 95-17-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 10, 1995, 2:20 p.m.]

Subject of Possible Rule Making: Reporting requirements on runaways housed at overnight youth shelters, chapter 388-160 WAC, Minimum licensing requirements for overnight youth shelters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.15 RCW and E2SSB 5439, section 34(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 5439 requires anyone providing shelter to a minor, without legal authorization from the minor's parent, must report the location of the child to the parent, law enforcement, or the Department of Social and Health Services. The department licenses these shelters and needs to amend chapter 388-160 WAC to incorporate this requirement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shirley Moore, Department of Social and Health Services, Child Welfare Planning Team, P.O. Box 45745, Olympia, WA 98504-5745, (360) 586-6542, FAX (360) 664-0788.

August 10, 1995
Jeanette Sevedge-App, Chief
Office of Vendor Services

WSR 95-17-042
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 10, 1995, 2:21 p.m.]

Subject of Possible Rule Making: To codify existing sampling and projecting medical audit procedures, WAC 388-501-0130 Administrative controls.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In a legal opinion, it was determined that the subject audit procedures fall under the Administrative Procedure Act and that once they are in rule, will give medical providers a better understanding of these procedures and assurance of consistency when applied to audits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The two sections of this department that are impacted by this subject rule, are the Medical Assistance Administration and the Office of Nursing Home/Hospital Audit. Development of this rule is being coordinated by staff from these two offices.

Process for Developing New Rule: Internal and external review process will be done whereby draft material is distributed for review and comment. All timely comments are taken into consideration before final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melvin Hill, Manager, Medical Audit Unit, Office of Nursing Home/Hospital Audit, 6330 Capitol Boulevard, Mailstop 45819, P.O. Box 45819, Tumwater, WA 98504-5819, phone (360) 586-8281, FAX (360) 586-5923. A public hearing will be held prior to final rule being issued for input.

August 10, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-050
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 11, 1995, 3:55 p.m.]

Subject of Possible Rule Making: WAC 388-250-1250 Standard of assistance—Need standard; 388-250-1300 Standard of assistance—One hundred eighty-five percent of need standard; and 388-250-175 [388-250-1750] (1)(d), Additional requirements—Telephone.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.025, 80.36.420 (3)(a) and (b), and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update need standard to determine eligibility for public assistance programs. Current

rule is inaccurate and the standard lower than what is needed by eligible clients for basic service.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This change removes the dollar figure from this standard and ties the standard to the threshold amount of the Washington telephone assistance program (WTAP). This will allow the standard to automatically change when the WTAP threshold changes. The WTAP threshold changed July 1, 1994, from \$8 to \$9.25. This change will increase the amount to \$9.25, but actually remove the dollar figure from the standard.

Process for Developing New Rule: Agency study; and the consumer price index is used to update the need standard and the 185% of need. The threshold amount for WTAP is established by the Utilities and Transportation Commission (UTC). The UTC establishes the level of the WTAP threshold, according to DSHS recommendation. This rule does not affect the threshold, it uses it as the standard. No additional coordination with the UTC should be needed as the result of this rule change. The proposed rule change is sent for review prior to filing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Brinkman, Program Manager (for Need Standards) or Kay Hanvey-Smithson, Program Manager (for WTAP), Office of Assistance Programs, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-45400, phone (360) 438-8309 (Betty) or (360) 438-8316 (Kay), FAX (360) 438-8258.

August 11, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 11, 1995, 4:57 p.m.]

Subject of Possible Rule Making: Amending WAC 388-49-500 Income—Deductions; 388-49-505 Utility allowances; and 388-49-510 Income eligibility standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 7 CFR 273.9 (d)(6)(v) and (vi), 7 CFR 273.9 (a), 9(d)(5), (7), and (8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 7 CFR 273.9 (d)(6)(v) and (vi) require establishment and annual review and adjustment of a standard utility allowance (SUA) and a telephone allowance. 7 CFR 273.9 (d)(5), (7), and (8) require adjustment of standard, excess shelter, and homeless shelter deductions. 7 CFR 273.9(a) requires adjustment of gross and net monthly income standards. These standards, deductions, and allowances are used to determine eligibility and calculate food stamp benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Agriculture, Food and

Consumer Service determines or approves standards, deductions, and allowances.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joan Wirth, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8324, FAX (360) 438-8258.

August 11, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-056
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY
[Filed August 15, 1995, 8:52 a.m.]

Subject of Possible Rule Making: Repeal chapter 516-22 WAC, Student rights and responsibilities, and adopting new chapter 516-23 WAC, Student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update and clarify conduct system jurisdiction for students, revising actionable offenses; clarify judicial process and possible disciplinary action/sanctions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study, Student and Student Administrator Committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Connie Copeland, Office of Vice-President, Student Affairs, Old Main 390, Western Washington University, Mailstop 9025, Bellingham, WA 98225, phone (360) 650-3839, FAX (360) 650-6504. Hearing on proposed changes will be outlined in CR-102.

August 14, 1995
Gloria A. McDonald
Rules Coordinator

WSR 95-17-057
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY
[Filed August 15, 1995, 8:53 a.m.]

Subject of Possible Rule Making: Amending chapter 516-37 WAC, Use of university facilities—Library and media services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To reflect the changes in library rules and operation, eliminating reference to media services, which no longer reports to the director of libraries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study, review by director and university officials.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marian Alexander, Interim Library Director, Western Washington University, Wilson Library, Room 216, Mailstop 9103, Bellingham, Washington 98225, phone (360) 650-3051, FAX (360) 650-3044. Hearings on proposed changes to be outlined in CR-102.

August 14, 1995
Gloria A. McDonald
Rules Coordinator

WSR 95-17-058

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed August 15, 1995, 8:54 a.m.]

Subject of Possible Rule Making: Adding new chapter 516-39 WAC, Access to university services—Media services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Media services no longer reports to director of libraries; the new section is proposed to provide information on access to the Western Washington University media services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study, review by director of libraries and university officials.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Komsky, Director, Academic Technology and User Services, Western Washington University, Miller Hall, Mailstop 9094, Bellingham, WA 98225, phone (360) 650-3361, FAX (360) 650-2816. A public hearing will be held, as outlined in CR-102 when filed.

August 14, 1995
Gloria A. McDonald
Rules Coordinator

WSR 95-17-059

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed August 15, 1995, 8:55 a.m.]

Subject of Possible Rule Making: Amending chapter 516-26 WAC, Admission and registration procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Make housekeeping changes, including change from director of admissions to registrar for students to submit petitions for residence classification, and deletion of section regarding withdrawal after sixth week of instruction.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study, review by departments and university officials.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gloria McDonald, Rules Coordinator, Western Washington University, Mailstop 4959, Old Main 335, Bellingham, Washington 98225, phone (360) 676-2037, FAX (360) 676-4029. Public hearing to be held at time and place to be announced upon filing of CR-102.

August 14, 1995
Gloria A. McDonald
Rules Coordinator

WSR 95-17-060

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

[Filed August 15, 1995, 10:05 a.m.]

Subject of Possible Rule Making: WAC 388-505-0580 Resources.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Procedure manual does not have WAC reference. Ensure appropriate treatment of client resources.

Goals of New Rule: Provide by rule, regulations concerning the treatment and availability of resources.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

August 15, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-080

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 21, 1995, 9:46 a.m.]

Subject of Possible Rule Making: Procedure for titling vehicles in the name of a guardian.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Citizens of the state have expressed an interest in titling vehicles in the name of a guardian instead of the name of an incompetent person or a minor. The proposed amendment to existing rules will provide individuals with the option of titling vehicles in the name of a guardian.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by October 10, 1995.

August 18, 1995
Nancy Kelly
Administrator

WSR 95-17-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 21, 1995, 9:47 a.m.]

Subject of Possible Rule Making: Procedure for titling vehicles pursuant to chapter 11.114 RCW, Uniform Transfer to Minors Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Uniform Transfers to Minors Act (UTMA) provides ownership to minors but the control of the property remains with an adult, financial institution, or trust company. RCW 46.12.250 prohibits the issuance of a vehicle title to a minor. This rule will provide a means for titling the vehicle owned by a minor in the name of an adult, financial institution or trust company.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by October 10, 1995.

August 18, 1995
Nancy Kelly
Administrator

WSR 95-17-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 21, 1995, 9:50 a.m.]

Subject of Possible Rule Making: Procedure for titling vehicles in the name of a trust or trustee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Citizens of the state have expressed an interest in titling vehicles in the name of a trust instead of their individual name. The proposed amendment to existing rules will provide individuals with the option of titling vehicles in the name of a trust or in the name of the trustee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by October 10, 1995.

August 18, 1995
Nancy Kelly
Administrator

WSR 95-17-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 22, 1995, 8:37 a.m.]

Subject of Possible Rule Making: Chapter 388-233 WAC, General assistance for children with guardian/custodian. To add language clarifying that a child residing with a "court appointed permanent custodian" or a "court appointed legal guardian" can receive GA-H and to revise the methods of handling support payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.12.330.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC requires that a child be living with a "court appointed legal guardian" to receive GA-H. However, cases living with a "court appointed permanent custodian" are also being included in the program through the exceptions-to-policy process. A change is needed to include children living with a "court appointed permanent custodian" without having to do an exception-to-policy.

Goals of the New Rule: The change adding "court appointed permanent custodian" will make it easier for the department to determine program eligibility for GA-H and reduce the number of requests for exceptions-to-policy. Changing the way that child support is handled will allow the department to make use of additional resources for identification and collection from the responsible parents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the Attorney General, coordination by telephone, advance copies and meetings; and Division of Child Support, telephone, advance copies.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued; and (1) based on review of exceptions-to-policy, and input from the assistant attorney general it appears the current rules need to be modified to include court appointed permanent custodians and (2) based on meetings with the child support division and input from the field staff (CSOs) the change in handling of child support appears to be feasible and beneficial to the administration of the program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please call by October 1, 1995, to set up a meeting/provide input. Please contact Kay Hanvey-Smithson, Division of Income Assistance, Adult and Emergency Services, Olympia, WA 98504-5400, phone non-SCAN (360) 438-8316, SCAN 585-8316, FAX (360) 438-8258.

August 22, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-090
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 22, 1995, 10:45 a.m.]

Subject of Possible Rule Making: Internship credit for teachers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 284, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1518 (chapter 284, Laws of 1995) requires the State Board of Education to establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry or government.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending 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 Larry Davis, (360) 753-6715.

August 21, 1995
Larry Davis
Executive Director

WSR 95-17-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 22, 1995, 2:35 p.m.]

Subject of Possible Rule Making: Disclosure of individual vessel owner names and addresses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070 and 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions of RCW 46.12.380 relating to vehicles are adopted, pursuant to RCW 88.02.070, to apply to vessels. RCW 46.12.380 was amended by section 2, chapter 232, Laws of 1990, to preclude the release of vehicle information except to business entities. The amended RCW was adopted in WAC 308-93-087; however, WAC 308-93-440 and 308-93-670 were not amended accordingly. This amendment will conform chapter 308-93 WAC to RCW 46.12.380.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Written and oral comments are requested by October 6, 1995.

August 22, 1995
Deborah McCurley
for Nancy Kelly
Administrator, Title and
Registration Services

WSR 95-17-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 22, 1995, 4:28 p.m.]

Subject of Possible Rule Making: Buy-back of commercial salmon fishing licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is anticipated that the Department of Commerce will choose the Washington State Department of Fish and Wildlife as the agency to administer a disbursement of northwest emergency assistance plan funds. Rules are needed to administer this distribution, choose the eligible applicants, and disburse the moneys.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This program will be coordinated through the

National Marine Fisheries Service, who will review all rule proposals. The Washington State Department of Fish and Wildlife rule proposals will assist the National Marine Fisheries Service in making a federal register filing, which will include the notice and comment period required by such filing.

Process for Developing New Rule: Agency study; and federal register filing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Washington State Department of Fish and Wildlife contact is Bonnie Long, License Manager, 600 North Capitol Way, Olympia, WA 98501, (360) 902-2456, by October 10, 1995. Expected proposal filing date, October 18, 1995.

August 22, 1995
Evan Jacoby
Rules Coordinator

WSR 95-17-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 22, 1995, 4:28 p.m.]

Subject of Possible Rule Making: Sale of eggs and carcasses by volunteer cooperatives and regional fisheries enhancement groups and use of proceeds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.50.100, 75.52.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Returning salmon and the eggs they produce are valuable commodities. Sale of surplus eggs and carcasses generates revenue that may be used to offset expenses incurred in salmon production. Accounting for the expenses and proceeds needs to be established procedure. These rules would facilitate that procedure.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Agency contact is Rich Kolb, Regional Fisheries Enhancement Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2260. Contact by October 10, 1995. Proposal filing October 18, 1995.

August 22, 1995
Evan Jacoby
Rules Coordinator

WSR 95-17-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 22, 1995, 4:31 p.m.]

Subject of Possible Rule Making: Change in child care WAC numbers, change in child care eligibility for two-

parent households. Chapter 388-51 WAC, JOBS training program child care and other work related supportive services and transitional child care and chapter 388-290 WAC, Child care. Chapter 388-51 WAC is repealed and chapter 388-290 WAC is new language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 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, and to make clear that the department will not guarantee child care if there is more than one adult in the assistance unit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan B. Gadman, Social Services Program Manager, Division of Employment and Social Services, Economic Services Administration, 1009 College Street S.E., Lacey, WA 98504, phone (360) 438-8442, FAX (360) 438-8379.

August 22, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 22, 1995, 4:31 p.m.]

Subject of Possible Rule Making: Amending WAC 388-49-550 Monthly allotments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 7 CFR 273.10 (e)(4)(ii)(F), FCS Administrative Memo August 4, 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule is amended to increase the maximum food stamp program allotments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the thrifty food plan.

Process for Developing New Rule: Proposed rule is distributed to all interested parties for review. Comments are received and incorporated as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by contacting Mike Arnaud, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8322, FAX (360) 438-8258.

August 22, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

August 23, 1995
Vicki L. Rippie
Assistant Director

WSR 95-17-104
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed August 23, 1995, 10:27 a.m.]

Subject of Possible Rule Making: Revising the forms used by lobbyists and lobbyist employers to report their lobbying-related expenditures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 397, Laws of 1995 (ESSB 5684), amended some of the provisions relating to the type of information that is required to be filed as part of a lobbyist's monthly expense report. Since lobbyists and lobbyist employers have, in the past, reported similar types of information on their respective reports, the commission may decide that changes to the lobbyist employer's reporting form are also warranted. The revised law: (1) Eliminates all references to gifts; (2) specifies that payments made for providing state officials and employees with meals, travel and educational benefits are reportable; (3) requires that entertainment expenditures be allocated to each person entertained; (4) requires that expenditures for political advertising, public relations, telemarketing and polling be itemized on the monthly report; and (5) adds the requirement that contributions delivered or transmitted by the lobbyist also be itemized on the monthly report. The commission believes that these changes to the law will likely require that the forms used by lobbyists and lobbyist employers — that is, the L-2, the L-2 Memo Report and the L-3 forms — will need to be modified accordingly. Since these forms are adopted as rules under the Administrative Procedure Act, amendments to them are accomplished via this formal process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested persons are invited to submit written comments by September 22, 1995. The commission is expected to discuss possible revisions to the lobbying forms, including the L-3 employer report, at its meeting on September 26, 1995, and public comments will be welcome at that time.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Public Disclosure Commission Assistant Director Vicki Rippie at P.O. Box 40908, 711 Capitol Way, Room 403, Olympia, WA 98504, (360) 586-4838. Obtain agenda for commission meeting on September 26, 1995, for time and location of discussion on this issue.

WSR 95-17-105
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed August 23, 1995, 10:29 a.m.]

Subject of Possible Rule Making: Definition of "membership organization" and "member" for purposes of internal political communications that do not constitute a contribution under chapter 42.17 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Membership organizations, like most other contributors to candidate campaigns for state office, may contribute no more than \$500 per election to a legislative candidate or \$1,000 per election to a candidate for executive statewide office (e.g., candidate for governor, attorney general, etc.). However, under the disclosure law, a membership organization that sends a political message to its members — including information on and endorsements of state office candidates — may do so without the expense of the political message being considered a contribution to any candidate who is benefited. Since membership organizations may communicate in this way with their members without the expense being considered a contribution, the commission believes it may be necessary to define what is meant by membership organization and who would be considered a member of such an organization in order to give clear guidance to organizations and also make sure that the effect of the contribution limits is not being undermined. When providing comments to the commission, it would be helpful if in addition to stating whether such a rule is warranted, organizations and others could comment on whether any or all of the following membership criteria would be appropriate: That is, the individual or entity (1) meets the organization's membership criteria and affirmatively accepts its invitation to become a member; (2) has a significant financial attachment to the organization beyond mere dues or fees; (3) is required to pay regular dues and has the ability to vote either for at least one leader of the organization or for delegates who in turn vote for at least one leader; (4) is required to pay regular dues and has the ability to vote on the policy decisions of the organization; and (5) is entitled to vote directly for all the leaders of the organization.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested persons are invited to submit written comments by October 6, 1995. The commission heard from representatives from some organizations at its meeting on June 27, 1995. A discussion regarding whether to proceed with a rule and, if so, what components to include in the proposed rule is tentatively scheduled to occur at the commission's meeting on October 24, 1995.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Public Disclosure Commission Assistant Director Vicki Rippie at P.O. Box 40908, 711 Capitol Way, Room 403, Olympia, WA 98504, (360) 586-4838. Obtain agenda for commission meeting on October 24, 1995, for time and location of discussion on possible rule.

August 23, 1995
Vicki L. Rippie
Assistant Director

WSR 95-17-106

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 23, 1995, 10:30 a.m.]

Subject of Possible Rule Making: Revising the forms used for filing the personal financial affairs statement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 397, Laws of 1995 (ESSB 5684), amended some of the provisions relating to the type of information that is required to be filed as part of the personal financial affairs statement submitted by state elected officials, many local elected officials, and executive state officers. The law, as revised, eliminates the reporting of gifts, specifies that receipt of certain meals, travel and educational benefits are reportable, clarifies that some items received by an official's family members are attributable to the official for reporting purposes and adds a requirement that officials certify that they have read and understand the applicable provision of law that prohibits them from using public resources in any type of election campaign. The commission believes that these changes to law will likely require that the forms used to file the personal financial affairs statement — that is, the F-1, the F-1 Supplement and the F-1A — will need to be modified accordingly. Since these forms are adopted as rules under the Administrative Procedure Act, amendments to them are accomplished via this formal process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Executive Ethics Board, the Legislative Ethics Board and the Judicial Conduct Commission will be provided a copy of this preproposal statement of inquiry and asked for input at this stage as well as later in the process should the commission decide a rule is warranted.

Process for Developing New Rule: Interested persons are invited to submit written comments by September 22, 1995. The commission is expected to discuss possible revisions to the financial affairs forms at its meeting on September 26, 1995, and public comment will be welcome at that time.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Public Disclosure Commission Assistant Director Vicki Rippie, P.O. Box 40908, 711 Capitol Way, Room 403, Olympia, WA 98504, (360) 586-4838. Obtain agenda for commission meeting on September

26, 1995, for time and location of discussion on possibly amending the financial affairs reporting forms.

August 23, 1995
Vicki L. Rippie
Assistant Director

WSR 95-17-113

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 23, 1995, 10:58 a.m.]

Subject of Possible Rule Making: WAC 16-540-040, Washington Mint Commission, grower assessment and collection. Increase grower assessment from 3.5¢ to 5¢ per pound of oil and eliminate the restrictions to collect assessments if unexpended moneys on deposit with the board exceeds total assessments received during that fiscal year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.65.050, Washington State Agricultural Enabling Act of 1961.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments will provide additional research in the production of mint plants and the distilling of mint oil by producers and will provide for effective financial management in carrying out the provisions of the marketing order.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: A notice of the proposed changes will be sent to all affected producers. Written comments will be accepted up to the date of the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089. In addition to notices being sent to affected producers, a public hearing will be held to give interested parties the opportunity to participate and comment on the proposed rule change. Adoption of the rule is subject to a referendum vote of the affected producers.

August 23, 1995
William E. Brookreson
Assistant Director

WSR 95-17-114

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 23, 1995, 11:00 a.m.]

Subject of Possible Rule Making: WAC 16-529-150, Washington Alfalfa Seed Commission. The amendment will eliminate the restriction to collect assessments if unexpended moneys on deposit with the board exceeds the total assessments received during that fiscal year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.65.050, Washington State Agricultural Enabling Act of 1961.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment will provide for more effective financial management and budgeting in carrying out the provisions of the marketing order.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: A notice of the proposed changes will be sent to all affected producers. Written comment will be accepted up to the date of the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089. In addition to notices being sent to affected producers, a public hearing will be held to give interested parties the opportunity to participate and comment on the proposed rule change. Adoption of the rule is subject to a referendum vote of the affected producers.

August 23, 1995
William E. Brookreson
Assistant Director

WSR 95-17-119
PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE
[Filed August 23, 1995, 11:06 a.m.]

Subject of Possible Rule Making: Adoption of standards for development of grievance procedures by health carriers. Procedures to be adopted will include methods to address written complaints by covered persons and by health care providers. Insurance Commissioner Matter No. R 95-13.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, 48.44.050, 48.44.020, 48.46.060, 48.46.100, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 265, Laws of 1995 (ESHB 1046), requires health carriers to file with the commissioner the carriers' procedures for review and adjudication of complaints by covered persons and health care providers. Adoption of standards for those procedures will expedite development and filing of procedures and, at the same time, reduce the cost of filing and review. Standards for procedures will produce more uniformity among health carriers, which will allow covered persons, and will help health care providers, to use grievance procedures more effectively.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and analyze current grievance procedures in use by health carriers. Review proposals by the National Association of Insurance Commissioners and other national or state interest groups, as appropriate. Meet with carrier representatives, provider groups, and other interested persons to discuss and

refine proposals for grievance procedure standards. For more information contact John Conniff at (360) 664-3786.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, electronic submissions 73303.700@compuserve.com, TDD (360) 491-8503, or (800) 883-6384. Deadline for comments, September 30, 1995.

August 23, 1995
Deborah Senn
Insurance Commissioner

WSR 95-17-120
PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE
[Filed August 23, 1995, 11:07 a.m.]

Subject of Possible Rule Making: Adoption of standards for health carriers to contract with and allow coverage for all categories of providers. Insurance Commissioner Matter No. R 95-12.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, 48.44.050, 48.44.070, 48.44.080, 48.46.030, 48.46.200, 48.46.243.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 265, Laws of 1995 (ESHB 1046), requires every health plan delivered, issued for delivery, or renewed by a health carrier on or after January 1, 1996, to permit every category of health care provider to provide health services for conditions included in the basic health plan services. Adoption of rules will clarify the required provisions of provider contracts, the need to provide an adequate network of all categories of providers, and the types of contracts subject to this law and will help assure nondiscrimination in contracting practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and (1) Review of current rules related to provider contracting applicable to disability insurers, health care service contractors and health maintenance organizations; and (2) meet with carrier representatives, provider groups, and other interested parties to gauge the need to address specific issues related to contracting with all categories of providers. For more information contact John Conniff, (360) 664-3786.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, electronic submissions 73303.700@compuserve.com, TDD (360) 491-8503 or (800) 883-6384. Deadline for comments, September 30, 1995.

August 23, 1995
Deborah Senn
Insurance Commissioner

WSR 95-17-123
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed August 23, 1995, 11:10 a.m.]

Subject of Possible Rule Making: A review of rules relating to economic regulation of natural gas. The commission invites comments about structural changes in the natural gas industry; the implications of those changes for regulation; and recommendations concerning specific commission rules applied to the industry. The commission will use responses from this inquiry to review and, if necessary, revise regulatory procedures and rules concerning least-cost planning, purchase gas adjustment mechanisms, demand side management incentives and financing, and other regulatory issues which may be articulated as a part of this process. WUTC Docket No. UG-940778.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Following the Federal Energy Regulatory Commission's Order 636 and other industry structural changes, natural gas local distribution companies now operate in a more competitive environment. The commission is undertaking this inquiry to consider how it may regulate gas companies so as to balance competitive market realities with state and regional policy goals which include securing the benefits of competition for both companies and the customers they serve, while protecting customers who do not have competitive options. As a result of this inquiry, the commission may proposed changes in regulatory practice, including amending or adopting rules which reduce unnecessary reporting and procedural requirements on regulated companies; rely to a greater degree on market forces than existing regulatory practices; and, capture the benefits of competition for all customer classes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and agency study through the Notice of Inquiry: Examining Regulation of Local Distribution Companies in the Face of Change in the Natural Gas Industry (NOI), Docket No. UG-940778, will permit exploration of the effects of federal regulatory and structural changes in the natural gas industry and their effects upon local distribution companies and their customers in the state. The commission contemplates use of workshops with regulated utility companies, consumer groups, environmental advocates, and other interested parties in which information and views are exchanged in an effort to reach consensus on changes in commission rules and regulations governing the natural gas industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeffrey Showman, Washington Utilities and Transportation Commission, Office of Policy Planning and Research, P.O. Box 47250, Olympia, WA 98504-7250, (360) 586-1196, FAX (360) 586-1150. Written comments addressed to commission secretary, and bearing the above NOI caption and docket number, may be filed with the commission not later than September 30, 1995. All commentors are asked to file an original and ten copies of

written comments. We also ask that comments be provided on a 3 1/2 inch, high density "floppy" diskette, for IBM-compatible systems. Please number and organize responses to questions according to the outline in the NOI. To make comments easier to post to electronic bulletin boards and the commission's Internet FTP site, please use end notes rather than footnotes. Interested persons also may file additional written comments and attend and participate in workshops, to be announced by written notice to all commentors specifically asking to receive such notice in this docket. Copies of the NOI are available upon request by contacting Steve McLellan, Commission Secretary, at the above address. Copies of the Notice of Inquiry may be accessed on the Internet via anonymous FTP: Connect to the host at FTP.GOV.T.WASHINGTON.EDU, cd to the directory: /wutc/noi/gas; get the file: GAS.NOI.TXT. **Please note - the WUTC is not taking formal comments via the Internet.**

August 22, 1995
 Steve McLellan
 Secretary

WSR 95-17-129
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed August 23, 1995, 11:32 a.m.]

Subject of Possible Rule Making: Adopt a new chapter regulating chapter 50.60 RCW, Shared work compensation plans—Benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, 50-20-010 Benefit eligibility conditions, 50-60-901 Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has internal guidelines in place for the administration of the shared work program. Pursuant to chapter 34.05 RCW, the department intends to establish regulations in place of the guidelines. The proposed regulations will define the terms and methodology the department uses to determine whether an individual or employer is eligible for participation in the program, the information the claimant must report to the department, the requirements an individual must meet to be considered able and available for work, and the length of time an employer may participate in the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with United States Department of Labor Region X staff prior to adoption.

Process for Developing New Rule: The department intends to hold meetings with stakeholders, interested parties, and significantly affected persons to seek their input in the formulation of regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in attending public meetings or participating on a workgroup may contact Paula Loneran, Employment Security Department, Unemployment Insurance Division, Special Programs Branch, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9533 or FAX (360) 902-9790.

August 22, 1995
Vernon E. Stoner
Commissioner

WSR 95-16-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed July 21, 1995, 11:24 a.m.]

July 21, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

Chapter 388-530 WAC
PHARMACY SERVICES

Original Notice.

Title of Rule: New chapter 388-530 WAC, Pharmacy services; and repealing chapter 388-91 WAC, Medical care—Drugs.

Purpose: Give providers, clients, and general public additional information on medical assistance pharmacy payment methods and the limitations for the payments. New rules are needed to include payment methodology. Since adding payment methodology requires extensive rewriting of chapter 388-91 WAC, the department chose to renumber the drug material. The new chapter adds new sections for definitions, maintenance information, and provides rule clarity.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Gives providers, clients, and the general public additional information on medical assistance pharmacy payment methods and the limitations for the payments.

Reasons Supporting Proposal: New rules are needed to include payment methodology. Since adding payment methodology requires extensive rewriting of chapter 388-91 WAC, the department chose to renumber the drug material into a new chapter. The new chapter 388-530 WAC adds new sections for definitions, maintenance information, and proves [improves] rule clarity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These changes do not impact small business as the department is including in WAC the methodology that is presently being used by the department.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by September 12, 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 September 19, 1995.

Date of Intended Adoption: September 27, 1995.

NEW SECTION

WAC 388-530-1000 The medical assistance administration (MAA) drug program. (1) The department shall reimburse for prescription drugs medically necessary to the health care of clients eligible for medical care programs in accordance with the department's rules.

(2) The pharmacy shall be a MAA provider as agreed under WAC 388-87-007.

(3) Acceptance and filling of a prescription drug for a client eligible for a medical care program constitutes acceptance of the department's rules and fees.

(4) The pharmacy shall bill the department and its clients according to WAC 388-87-010 and 388-87-015.

NEW SECTION

WAC 388-530-1050 Definitions. This section contains definitions of words and phrases the department uses in rules for the MAA drug program.

(1) "**Actual acquisition cost (AAC)**" means the actual price paid by a provider for a drug marketed or sold by a particular manufacturer or labeler in the package size of drug purchased. Actual acquisition cost shall be calculated based on factors such as, but not limited to:

(a) Invoice price;

(b) Order quantity and periodic purchase volume discount policies of suppliers (wholesalers and/or manufacturers);

(c) Membership/participation in purchasing cooperatives;

(d) Advertising and other promotion/display allowances;

(e) "Free" merchandise deals; and

(f) Transportation or freight allowances.

(2) "**Administer**" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by a practitioner, or the patient or research subject at the direction of the practitioner.

(3) "**Authorized prescriber**" means a physician, osteopath, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(4) "**Average wholesale price (AWP)**" means the average price of a drug product from wholesalers nationwide at a point in time. For the MAA, AWP is determined and reported by its drug pricing file contractor.

(5) "**Brand name**" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label or wrapping at the time of packaging.

(6) "**Bulk drug delivery system**" means the delivery system in which the prescribed amount of a drug product is packaged and dispensed to the patient in one bulk container.

(7) "**Compounding**" is the act of combining two or more ingredients in the preparation of a prescription.

(8) "**Contract drugs**" are drugs manufactured or distributed by manufacturers/labelers who signed a drug rebate agreement with the federal Department of Health and Human Services (DHHS).

(9) "**Controlled substance**" means a drug or substance, or an immediate precursor of such drug or substance, so designated by the provisions of chapter 69.50 RCW.

(10) "**Covered outpatient drug**" means a drug approved for safety and effectiveness as a prescription drug under the federal Food, Drug, and Cosmetic Act, which is used for a medically accepted indication, and not subject to the exceptions under WAC 388-530-1150, Noncovered drugs and pharmaceutical supplies.

(11) "**Deliver or delivery**" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(12) "**Department**" means the department of social and health services (DSHS).

(13) "**DESI**" or "**less than effective**" drugs are drugs for which effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or drugs for which the secretary of DHHS has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined that the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

(14) "**Device**" means instruments, apparatus, and contrivances, including their components, parts and accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(b) To affect the structure or any function of the body of man or other animals.

(15) "**Dispense**" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(16) "**Dispense as written (DAW)**" means the pharmacist may not substitute a generic drug or a therapeutically equivalent product and must dispense the specific drug product prescribed.

(17) "**Dispensing fee**" means the fee set by the department to reimburse providers for their administrative costs incurred in filling medical assistance prescriptions.

(18) "**Distribute**" means to deliver other than by administering or dispensing a legend drug.

(19) "**Drug**" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals, or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b) or (c) of this subsection. It does not include devices or their components, parts or accessories.

(20) "**Drug formulary**" means a list, developed by an appropriate committee or the drug utilization review (DUR) board, of outpatient drugs not requiring prior authorization.

(21) "**Drug pricing file contractor**" is the entity which has contracted to provide the department, at specified intervals, the latest information and/or database on drugs and related supplies produced, prepared, processed, packaged, labeled, distributed, marketed or sold in the marketplace. The information provided by the contractor includes but is not limited to identifying characteristics of the drug (national drug code, drug name, manufacturer/labeler, dosage form and strength) for the purpose of identifying and facilitating payment for the drugs billed to MAA.

(22) "**Drug rebates**" are rebates provided by pharmaceutical manufacturers to state Medicaid programs under the terms of their agreement with the Department of Health and Human Services.

(23) "**Drug related supplies**" are nonpharmaceutical items which are necessary for the administration or delivery of a drug.

(24) "**Drug utilization review (DUR) program**" is a quality assurance program for covered outpatient drugs which assures that prescriptions are appropriate, are medically necessary, and not likely to result in adverse medical outcomes.

(25) "**Emergency kit**" is a set of pharmaceuticals furnished to a nursing facility by the primary pharmacy which provides prescription filling services to that facility. Each kit is specifically set up to meet the needs of the individual nursing facility.

(26) "**Estimated acquisition cost (EAC)**" means the department's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in the package size of drug most frequently purchased by providers.

(27) "**Expedited prior authorization**" is a process for authorizing selected drugs in which providers use a set of numeric codes to indicate to the department which acceptable indications/conditions/diagnoses/criteria are applicable to a particular request for drug authorization.

(28) "**Experimental**" drugs are drugs that have not been approved by the FDA, or are approved drugs used for medical indications other than those listed by the FDA.

(29) "**Federal upper limit (FUL)**" means the maximum allowable payment set by the Health Care Financing Administration (HCFA) for a multiple source drug.

(30) "**Formulary**" means a drug formulary. (See "drug formulary.")

(31) "**Generic name**" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary.

(32) "**Ingredient cost**" means the portion of a prescription's cost attributable to the drug ingredients, chemical components or substances.

(33) "**Label**" means a display of written, printed or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the

label shall not be considered to be complied with unless such word, statement or information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(34) "**Labeling**" means all labels and other written, printed, or graphic matter:

(a) Upon any article or any of its containers or wrappers, or

(b) Accompanying such article.

(35) "**Legend or prescription drugs**" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(36) "**Long-term therapy**" is treatment a client receives or will receive continuously through and beyond ninety days.

(37) "**Manufacture**" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device, or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device. It does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages or labels such substance or device.

(38) "**Manufacturer**" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(39) "**Maximum allowable cost (MAC)**" means the maximum amount that the MAA will pay for a specific dosage form and strength of a multiple source drug product.

(40) "**Medically accepted indication**" means any use for a covered outpatient drug which is approved under the federal Food, Drug, and Cosmetic Act, which appears in peer-reviewed medical literature or which is accepted by one or more of the following compendia: the American Hospital Formulary Service Drug Information, the American Medical Association Drug Evaluations, and the United States Pharmacopoeia Drug Information.

(41) "**Modified unit dose**" delivery systems (also known as **blister packs**, "**bingo**" or punch cards), are drug delivery systems in which each patient's medication is delivered in individually sealed, single dose packages or "blisters," usually on one card, in quantities for one month's supply, unless short-term therapy is specified by the prescriber. The department deems creams, ointments, ophthalmic/otic preparations, and other liquids as not deliverable in this packaging system.

(42) "**Multiple source**" drug means a drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

(43) "**National drug code (NDC)**" means the eleven-digit number assigned by the manufacturer or labeler to a pharmaceutical product and attached to the product container at the time of packaging, which identifies the product's manufacturer, dose form and strength, and package size.

(44) "**Noncontract**" drugs are drugs manufactured or distributed by manufacturers/labelers who have not signed a

drug rebate agreement with the federal Department of Health and Human Services.

(45) "**Nonlegend or nonprescription**" drugs means any drugs which may be lawfully sold without a prescription.

(46) "**Nursing home pharmacy**" means a pharmacy serving primarily clients residing in nursing facilities.

(47) "**Obsolete NDC**" means a national drug code that has been replaced or discontinued by the manufacturer or labeler.

(48) "**Outpatient pharmacy**" means a pharmacy serving primarily outpatient clients.

(49) "**Over-the-counter (OTC)**" drugs mean nonprescription or nonlegend drugs.

(50) "**Pharmacist**" means a person duly licensed by the Washington State Board of Pharmacy to engage in the practice of pharmacy.

(51) "**Pharmacist consultant**" means a registered pharmacist employed by the MAA.

(52) "**Pharmacy**" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(53) "**Prescription**" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(54) "**Point of sale (POS)**" is an on-line pharmacy claims adjudication system.

(55) "**Practice of pharmacy**" means the practice and responsibility for interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distribution of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(56) "**Prospective drug utilization review (Pro-DUR)**" is a process in which a request for a drug product for a particular patient is screened, before the product is dispensed, for potential drug therapy problems.

(57) "**Reconstitution**" means returning a substance, previously altered for preservation and storage, to its approximate original state.

(58) "**Retrospective drug utilization review (Retro-DUR)**" is the process in which drug utilization by patients is reviewed on a periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or unnecessary care.

(59) "**Single source**" drug means a drug which is produced or distributed under an original new drug application approved by the FDA, including a drug product marketed by any cross-licensed producers or distributors operating under the new drug application.

(60) "**Small size pricing**" is a pricing methodology where payment to pharmacies for a drug ingredient cost is based on the estimated acquisition cost of the drug's "stan-

dard package size" container, rather than the actual package size of the container from which the prescription was filled.

(61) "**Standard package size**" means the designated standard package or container size for a drug dosage form and/or strength. The commonly designated "standard packages" are one hundred for tablets and capsules; four hundred eighty milliliters for most liquids; one hundred milliliters for suspension powders; and sixty grams for creams, ointment, and gels.

(62) "**Substitute**" means to dispense, with the practitioner's authorization, a therapeutically equivalent generic drug product of the identical base or salt as the specific drug product prescribed. Therapeutically equivalent drugs other than the identical base or salt may be dispensed with the practitioner's prior consent.

(63) "**Terminated drug product**" is a product whose shelf life expiration date has been met, per manufacturer notification.

(64) "**Therapeutically equivalent**" means essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen.

(65) "**True unit dose**" delivery (also known as hospital type) means a drug delivery system in which each patient's medication is delivered to the nursing facility daily in quantities sufficient only for the day's required dosage. If a medication cart system is used, the medication cart may be delivered to the nursing facility every other day, with daily service available.

(66) "**Usual and customary charge**" means the amount the provider typically charges members of the general public for the product or service. For any given product, the amount charged by the pharmacy to fifty percent or more of its non-Medicaid clients shall be deemed its usual and customary charge. If the product is given free to the public, the pharmacy shall not submit a claim to the department if the product is given to a medical assistance client. If the product is sold at a discount to the general public, any claim by the pharmacy to the department for that product shall reflect the discounted charge.

(67) "**Wholesaler**" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distributes them to corporations, individuals, or entities other than consumers.

NEW SECTION

WAC 388-530-1100 Covered drugs and pharmaceutical supplies. The department shall reimburse for:

(1) Outpatient legend drugs, generic or brand name, when the manufacturer has a signed rebate agreement with the federal Department of Health and Human Services, except as excluded under WAC 388-530-1150.

(2) Over-the-counter (OTC) drugs when:

- (a) The drug is prescribed;
- (b) The drug is a less costly therapeutic alternative; and
- (c) The drug is formulary (not requiring authorization).

(3) Compounded prescription when billed by each formulary ingredient used in the compound.

(4) Nonformulary drugs when prior authorized by the department.

(5) Drug-related supplies.

(6) Family planning supplies used in conjunction with family planning under WAC 388-86-035, including OTC supplies. Covered OTC supplies include, but are not limited to, condoms (male and female), spermicidal foam with applicator and refills, vaginal jelly with applicator, and vaginal contraceptive sponge.

(7) Oral, topical and/or injectable drugs, vaccines for immunizations, biologicals, allergens, and antigens prepared or packaged for individual use and dispensed or administered to a client during a physician office visit.

(8) Obsolete NDCs for up to two years from the date obsolescence.

(9) Drugs and supplies administered or provided under unusual and extenuating circumstances to clients by authorized providers who request and receive approval from the department. Such requests shall be reviewed on a case by case basis by the secretary or his/her designee.

NEW SECTION

WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies. The department shall not pay for: (1) Noncontract drugs, legend or generic, when the manufacturer has not signed a rebate agreement with the federal Department of Health and Human Services, except as provided under WAC 388-530-1100(4) of this chapter.

(2) Covered outpatient drugs, biological products, insulin, supplies, appliances and equipment included in other methods of reimbursement, including, but not limited to:

- (a) Diagnosis related group (DRG);
- (b) Ratio of cost to charges (RCC);
- (c) Nursing facility per diem;
- (d) Managed care capitation rates; and
- (e) Block grants.

(3) Any drug regularly supplied as an integral part of program activity by other public agencies.

(4) A drug when the drug is prescribed:

- (a) For weight loss or gain,
- (b) To promote fertility,
- (c) For cosmetic purposes or hair growth,
- (d) To promote smoking cessation, or
- (e) For an indication which is not medically accepted.

(5) OTC drugs/supplies, unless approved for formulary use or family planning under WAC 388-86-035.

(6) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.

(7) Covered outpatient drugs for which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee.

(8) Prescription vitamins and mineral products in the absence of a condition that is clinically recognized to produce a deficiency state, except prenatal vitamins and fluoride preparations. Prenatal vitamins are covered only when prescribed and dispensed to pregnant women. Fluoride preparations are covered only for children, under the early and periodic screening, diagnosis, and treatment (EPSDT or "healthy kids") program.

(9) Drugs that are experimental, investigational, or of unproven efficacy or safety.

(10) Drugs requiring prior authorization for which authorization has been denied by the department.

(11) Preservatives, flavoring, and/or coloring agents used in the process of compounding.

(12) Less than a one-month supply of drugs for long-term therapy, except as provided under WAC 388-530-1800, Requirements for pharmacy claim payment.

(13) Prescriptions written on pre-signed prescription blanks filled out by nursing facility operators or pharmacists. The department shall terminate the core provider agreement of pharmacies involved in this practice.

(14) Drugs used to replace those taken from nursing facility emergency kits.

(15) Drugs used to replace a physician's stock supply.

(16) Free pharmaceutical samples.

(17) Obsolete NDCs, except that the department may allow reimbursement to a pharmacy for a drug product with an obsolete NDC when the product is dispensed to an eligible client no later than two years from the date the NDC is designated obsolete.

(18) Terminated drug products.

NEW SECTION

WAC 388-530-1200 Drug formulary. (1) Prior approval is not required for drug preparations listed in the MAA drug formulary. The formulary list shall be updated as necessary and published periodically.

(2) To request inclusion of a drug product in MAA's drug formulary, a drug manufacturer shall send the MAA pharmacist consultant a written request and the following supporting documentation:

(a) Background data about the drug as requested by MAA;

(b) Product package information as requested by MAA;

(c) Any pertinent clinical studies; and

(d) Any additional information the manufacturer feels appropriate.

(3) MAA's pharmacist consultants and an advisory board, which may include MAA's medical consultants, the drug utilization and education council (DUEC), and/or participating MAA pharmacy providers, shall evaluate drugs for inclusion in the formulary.

(4) The criteria for evaluating whether to include or exclude a drug from MAA's formulary include, but are not limited to the following:

(a) The manufacturer has signed a federal drug rebate contract agreement;

(b) Like drugs are already on the formulary;

(c) The drug is a less than effective drug, or is identical, similar, or related to a less than effective drug;

(d) The drug falls into one of the categories authorized by federal law to be excluded from coverage;

(e) There are already less costly therapeutic alternatives in the formulary; and

(f) The drug's potential for abuse.

(5) The MAA shall determine whether a drug should be covered with or without restrictions in a manner similar to how formulary status is determined.

(6) Decisions made in subsections (3) and (5) of this section are subject to review by the MAA medical director

or his/her designee. Manufacturers may seek review of adverse decisions to the medical director in writing.

(7) The department may require double blind drug studies to be performed when there is a question of medical necessity or efficacy and the medical literature on the issue is inconclusive. The double blind study may be used in considering addition or deletion of a drug to the formulary; evaluating the relative merits of two drugs for general use or for a specific individual; evaluating requests for prior authorization; or whatever purpose the department deems necessary.

NEW SECTION

WAC 388-530-1250 Prior authorization. (1) Nonformulary drugs shall require prior authorization.

(2) The pharmacy shall make a request to the department for drugs requiring prior authorization before dispensing the drug, except as provided for in subsection (6) of this section. The request shall state the medical diagnosis and include medical justification for the drug. The medical justification communicated to the pharmacy by the prescriber must be kept on file.

(3) MAA shall evaluate a request for prior authorization based on, but not limited to, the following criteria:

(a) In WAC 388-530-1000(1), 388-530-1150, and 388-501-0165;

(b) The drug is of moderate cost as determined by the department. MAA shall select the least costly of two or more preparations of equal effectiveness; and

(c) The drug is not experimental, investigational, or of unproven efficacy or safety.

(4) The department may authorize certain frequently prescribed drugs through a process called "expedited prior authorization." (See WAC 388-530-1050(27), Definitions.) Drugs authorized in this manner are those for which the department has established specific utilization criteria to address its concerns over the drugs' high cost, potential for clinical misuse, narrow therapeutic indication, or safety.

(5) The department may authorize reimbursement at the brand name estimated acquisition cost (EAC) for a brand name multiple-source drug that would have been reimbursed at the established upper limit for that multiple-source drug, if:

(a) The pharmacist calls for prior authorization; and

(b) The prescriber writes "dispense as written" on the prescription form or certifies in his/her own handwriting that a specific brand is "medically necessary" for a particular client; or

(c) The availability of generics in the marketplace is severely curtailed and the price disparity between the brand name EAC and the generic maximum allowable cost (MAC) is such that clients would be effectively denied the medication.

(6) The department may pay for drugs requiring prior authorization which are dispensed without prior authorization only when:

(a) Given in an acute emergency;

(b) The department receives justification within seventy-two hours for consideration; and

(c) The department agrees with the justification and approves the request.

(7) The pharmacy shall obtain prior authorization from the department for any and all prescription fills in excess of the limits specified under WAC 388-530-1800, Requirements for pharmacy claim payment.

(8) Prior authorization is limited to a decision of medical appropriateness for a drug. Prior authorization shall not guarantee payment.

NEW SECTION

WAC 388-530-1300 General reimbursement methodology. (1) Where the department has not contracted for pharmacy services through competitive procurement, total reimbursement for a prescription drug shall not exceed the lower of:

- (a) Estimated acquisition cost (EAC) plus a dispensing fee;
- (b) Maximum allowable cost (MAC) plus a dispensing fee; or
- (c) The provider's usual and customary charge to the non-Medicaid population.

(2) The department shall choose the in-state pharmaceutical wholesalers used to set EAC and MAC.

(3) The department may solicit assistance from representative pharmacy providers in establishing MAC and/or EAC.

NEW SECTION

WAC 388-530-1350 Estimated acquisition cost methodology. The estimated acquisition cost (EAC) shall be determined as follows:

(1) Periodically, the department shall take a sample of at least two hundred fifty of the top national drug codes paid for by the MAA and determine pharmacies' average acquisition costs for these products.

(2) The department shall decide the frequency of sampling of the top drug products by dollar volume under medical assistance to determine EAC, but the frequency shall not be more than once every three years nor less than once every ten years.

(3) The pharmacies' average acquisition cost for the products in the sample shall be based on in-state wholesalers' published prices to their subscribers, plus an average subscriber upcharge, if applicable.

(4) The MAA shall express the average acquisition cost for each product on the sample list during the period under study as a percentage of the average wholesale price (AWP) determined for that product by the department's drug pricing file contractor.

(5) The MAA shall average the percentages obtained for the sample, and the resulting percentage shall represent the EAC.

(6) The MAA may base EAC on the price for the standard package size ("small size pricing") or the price of the actual package size dispensed from.

(7) The MAA may set EAC for specified drugs or drug categories at AWP percentages other than that determined in subsection (5) of this section when MAA deems it necessary. Such exemption shall cease when the necessity no longer exists.

(8) Brand name and generic drugs with a MAC established shall be paid at EAC if the EAC is lower than the MAC price.

NEW SECTION

WAC 388-530-1400 Maximum allowable cost methodology. (1) The department shall establish a maximum allowable cost (MAC) for a drug that meets the following criteria:

- (a) The drug is a multiple-source drug;
- (b) The drug is available from at least three manufacturers/labelers; and
- (c) The drug is a high utilization drug as determined by the department's medical assistance program (whether based on dollars, number of prescriptions, or total units); or
- (d) Establishing a MAC for the drug would make the payment methodology for it consistent with other dosage forms and/or strengths of the drug.

(2) The MAC for a multiple source drug shall be determined as follows:

(a) The department shall determine the in-state availability of a multiple source drug's therapeutically equivalent generics using in-state wholesalers' published product lists found in microfiche, catalogs and/or electronic database.

(b) The department shall generate a list of manufacturers/labelers for a multiple source drug from data provided by the drug pricing file contractor. The list shall be in descending cost order, showing wholesalers' national average acquisition cost for the drug from each manufacturer/labeler, plus a six and one-half percent markup.

(c) The department shall establish an initial MAC for a drug, which shall be the third lowest price determined in subsection (2)(b) of this section.

(d) The department shall determine if there is a Federal Upper Limit (FUL) for the multiple source drug under consideration.

(i) If there is no FUL, the initial MAC established in subsection (2)(c) of this section shall be adopted, except as provided in subsection (2)(e) of this section.

(ii) If there is a FUL and it differs from the initial MAC established, the MAC shall be the average of the two prices.

(iii) If the result in subsection (2)(d)(ii) of this section is higher than the FUL, the FUL shall be adopted.

(e) If there is no FUL, and the initial MAC established is lower than pharmacies' average acquisition cost (AAC) for the three lowest priced products, the MAC shall be the price established in cooperation with the state pharmacist association on the list in subsection (2)(b) of this section sufficient to cover in-state pharmacies' average acquisition cost.

(f) If there is no FUL, a MAC may be established for a drug using the maximum allowable cost set by another third party for that drug.

(3) The MAC established for a multiple-source drug shall not apply if the prescriber certifies that a specific brand is "medically necessary" for a particular client, as specified under WAC 388-530-1250 (5)(a), Prior authorization.

(4) A multiple source drug with a MAC established shall be paid at the MAC price if MAC is lower than EAC, unless prior authorization is obtained from MAA. If a multiple source drug with an established MAC is prior

authorized under WAC 388-530-1250(4), Prior authorization, payment shall be at the EAC price.

(5) If the EAC for a multiple source product is less than the MAC established for that product, payment shall be at the EAC price.

(6) A multiple source drug for which the health care financing administration (HCFA) has set a federal upper limit but for which the state has not established a MAC shall be reimbursed at EAC.

(7) The maximum payment for multiple-source drugs for which HCFA has set federal upper limits shall not exceed, in the aggregate, the prescribed upper limits plus the dispensing fees set by the department.

NEW SECTION

WAC 388-530-1450 Dispensing fee determination. Subject to the provisions of WAC 388-530-1300, MAA shall pay a dispensing fee for each covered prescription.

(1) The dispensing fee shall be adjusted by taking into account factors including, but not limited to, the following:

- (a) Legislative appropriations for vendor rate increases;
 - (b) Input from provider and/or advocacy groups;
 - (c) Input from state-employed or contracted actuaries;
- and

(d) Dispensing fees paid by other third-party payers, including but not limited to health care plans and other states' Medicaid agencies.

(2) The MAA shall adopt a tiered dispensing fee system if in its judgment such a system would best preserve or enhance clients' access to services by promoting equitable payment to pharmacy providers.

(3) In a tiered dispensing fee system, the MAA shall use total annual prescription volume (both Medicaid and non-Medicaid) reported to the department to determine each pharmacy's dispensing fee category.

(a) A pharmacy which fills thirty-five thousand one and more prescriptions annually shall be a high-volume pharmacy.

(b) A pharmacy which fills between fifteen thousand one and thirty-five thousand prescriptions annually shall be a mid-volume pharmacy.

(c) A pharmacy which fills fifteen thousand or fewer prescriptions annually shall be a low-volume pharmacy.

(4) The department shall determine a pharmacy's annual total prescription volume as follows:

(a) The department shall send out a prescription volume survey form to pharmacy providers during the first quarter of the calendar year.

(b) Pharmacies shall return completed prescription volume surveys to the department by the date specified by the department each year. Providers not responding to the survey by the specified date shall be assigned to the high volume category.

(c) All prescriptions dispensed from the same physical location shall be included in the pharmacy's total prescription count and reported to the department on the same form. Hospital-based pharmacies which serve both inpatient and outpatient clients shall not include hospital inpatient doses/prescriptions in the total volume reported to the department. Prescriptions dispensed to nursing facility clients are deemed outpatient prescriptions.

(d) If a pharmacy uses more than one provider number to bill MAA for pharmacy claims dispensed from the same physical location, the pharmacy shall list on one form all of the provider numbers contributing to the total volume being reported.

(e) Reassignment to current or assignment to new dispensing fee categories shall be effective on the first of the month following the date specified by the department for receipt of completed prescription volume survey forms.

(5) In a tiered dispensing fee system, a pharmacy may request a change to a lower volume category during the interval between the annual prescription volume surveys. Such a request must be supported by documentation showing that the pharmacy's most recent six-month dispensing data, annualized, would qualify the pharmacy for a lower volume category.

(6) The department shall grant general dispensing fee rate increases only when authorized by the legislature. Amounts authorized for dispensing fee increases may be distributed nonuniformly, if necessary, to ensure client access.

NEW SECTION

WAC 388-530-1500 Reimbursement for compounded prescriptions. (1) Notwithstanding the definition in WAC 388-530-1050(7), reconstitution shall not be considered compounding. The adjustment of therapeutic strengths and/or forms by a pharmacist in the preparation of a prescription may be considered compounding by MAA if the client's drug therapy needs are unable to be met by commercially available dosage strengths and/or forms of the medically necessary drug. The need for the adjustment of the drug's therapeutic strength and/or form by the pharmacist must be well documented in the client's file.

(2) Compounded prescriptions shall be reimbursed as follows:

(a) The department shall allow only the lowest cost for each covered ingredient. EAC, MAC, or amount billed shall apply.

(b) The department shall apply current prior authorization requirements to drugs used as ingredients in compounded prescriptions, except as provided in subsection (2)(c) of this section. Payment shall be denied for a drug requiring prior authorization used as an ingredient in a compounded prescription but for which prior authorization was not obtained.

(c) The department may designate selected drugs as not requiring prior authorization ("formulary") when used for compounded prescriptions but requiring prior authorization ("nonformulary") for other uses. The department shall publish such lists periodically.

(d) Each formulary or prior authorized drug ingredient billed separately shall be given a dispensing fee set by the department. Drugs used in compounding under subsection (2)(c) of this section also shall be given a dispensing fee.

(e) There shall be no separate fee paid for compounding time. The dispensing fee allowed for each ingredient replaces the compounding fee.

(f) The pharmacy shall note in its records any necessary special procedures or containers used in preparing the compounded prescription.

NEW SECTION**WAC 388-530-1550 Unit dose drug delivery systems.**

(1) Unit dose drug delivery systems shall mean true unit dose or hospital type and modified unit dose or blister packs, also known as "bingo" or punch cards.

(2) The department shall pay for unit dose drug delivery systems only for clients residing in nursing facilities, except as provided in subsections (7) and (8) of this section.

(3) The department shall pay pharmacies that provide true unit dose delivery service the department's highest allowable dispensing fee for each prescription dispensed to clients in nursing facilities. Ingredient costs for drugs under true unit dose systems shall be reimbursed at the appropriate MAC or EAC. Drugs dispensed in manufacturers' unit dose packaging are paid to true unit dose providers at the EAC for the specific unit dose NDCs.

(4) The department shall pay modified unit dose pharmacies the department's highest allowable dispensing fee for repackaged bulk drugs dispensed in unit dose form to clients in nursing facilities. Ingredient costs for bulk drugs repackaged into unit dose form shall be reimbursed at the lesser of MAC or EAC.

(5) MAA shall pay a pharmacy that dispenses drugs in bulk containers or multi-dose form to clients in nursing facilities the regular dispensing fee applicable to the pharmacy's total annual prescription volume category. Drugs not deliverable in unit dose form include, but are not limited to, oral liquids, creams, ointments, ophthalmic and otic solutions. Ingredient costs for such drugs shall be reimbursed at the lesser of MAC or EAC.

(6) MAA shall pay pharmacies that dispense drugs prepackaged by the manufacturer in unit dose form to clients in nursing facilities the regular dispensing fee applicable to their total annual prescription volume category. Ingredient costs shall be paid at the EAC applicable to the unit dose NDC.

(7) MAA shall pay for manufacturer-designated unit dose drugs dispensed to clients not residing in nursing facilities when such drugs are available in the marketplace only in manufacturer-designated unit dose packaging and such drugs otherwise would have been covered outpatient drugs. The unit dose dispensing fee shall not apply in such cases. The pharmacy shall be paid the dispensing fee applicable to the pharmacy's total annual prescription volume category.

(8) MAA may pay for modified unit dose delivery systems for developmentally disabled (DD) clients residing in approved community living arrangements.

NEW SECTION

WAC 388-530-1600 Unit dose pharmacy billing requirements. (1) To be eligible for a unit dose dispensing fee a pharmacy must notify MAA in writing of its intent to provide unit dose service, ask for a unit dose provider number, specify the type of unit dose service to be provided, identify the nursing facility to be served, and indicate the approximate date unit dose service to the facility will commence.

(2) The pharmacy shall sign an agreement to abide by specific requirements for unit dose reimbursement.

(3) Under a true unit dose delivery system, a pharmacy shall bill MAA only for the actual number of drug units used by a client during the billing period.

(4) Under a modified unit dose delivery system, a pharmacy may bill MAA for the number of drug units dispensed to a client during the billing period. The cost of unused drugs returned to the pharmacy on or before the last day of the billing period must be deducted from the charge to MAA, except as provided in subsection (6) of this section.

(5) The cost of unused drugs returned to the pharmacy on or before the last day of the billing period immediately following the period in which the drug was dispensed must be deducted from the charge to MAA, except as provided in subsection (6) of this section.

(6) Controlled substances returned to the pharmacy do not have to be credited to MAA. Controlled substances returned to the pharmacy must be destroyed according to federal regulations.

(7) Pharmacies shall bill MAA only once per month for all clients residing in a nursing facility served under a unit dose system. The monthly billing period shall be the same for all clients in the nursing facility.

(8) The billing period for:

(a) A true unit dose pharmacy shall be the calendar month;

(b) A modified unit dose pharmacy may be the calendar month or a monthly period starting on a specified date which shall be carried over to succeeding months. Once the modified unit dose pharmacy establishes the billing period for a nursing facility, it may not be changed without the department's approval.

(9) The pharmacy shall wait at least thirty days from the commencement of unit dose service to a nursing facility before submitting the first claims for drugs dispensed under unit dose to clients residing in that facility. This billing lag shall apply to both true and modified unit dose providers.

(10) Pharmacies may not charge the clients or MAA a fee for repackaging in unit dose form a client's bulk medications supplied by another pharmacy, when the repackaging is done to conform with a nursing facility's delivery system and for the facility's convenience. The costs of repackaging in such instances shall be the responsibility of the nursing facility.

(11) The pharmacy shall maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy shall keep a monthly log for each nursing facility served, including but not limited to the following information: facility name and address, client's name and patient identification code (PIC), drug name/strength, NDC or labeler information, quantity and date dispensed, quantity and date returned, value of returned drugs or amount credited, explanation for no credit given or nonreissuable returns, and prescription number.

(12) The pharmacy shall periodically submit to MAA copies of the monthly logs referred to in subsection (10) of this section. MAA shall decide whether a unit dose pharmacy should submit reports monthly, quarterly, or annually. MAA may waive the report submission requirement for a pharmacy; however, the pharmacy shall continue to maintain the individual facility logs and make the information available to MAA upon request.

(13) The pharmacy shall submit annually to MAA an updated list of nursing facilities served under unit dose systems and their respective billing period start dates. This update shall be submitted with the pharmacy's completed prescription volume survey.

NEW SECTION

WAC 388-530-1650 Reimbursement for pharmaceutical supplies. (1) MAA shall pay for covered pharmaceutical supplies not already included in other payment systems.

(2) Pharmaceutical supplies billed on the medical vendor claim form shall be reimbursed based on MAA published fee schedules.

(3) MAA shall use one of the following methodologies to set the maximum allowable for a pharmaceutical device/supply:

(a) Provider's acquisition cost, with an invoice or a copy of the invoice required;

(b) Medicare's reimbursement for the item; or

(c) A specified discount off the item's list price or manufacturer's suggested retail price (MSRP).

NEW SECTION

WAC 388-530-1700 Drugs and pharmaceutical supplies from non-pharmacy providers. MAA shall pay for covered drugs and supplies dispensed or administered by non-pharmacy providers under specified conditions.

(1) MAA may pay an established fee to a physician for a covered drug (oral, topical or injectable) prepared or packaged for individual use and dispensed or administered to a client during an office visit. The fee for the drug shall be in addition to the fee for the office visit. In the event the cost of the drug dispensed or administered to the patient exceeds the established fee, the physician may submit to MAA his/her invoice for the actual cost of the drug. The invoice must show the name of the drug manufacturer, drug strength, and dosage.

(2) MAA shall not reimburse providers for the cost of vaccines obtained by the provider through the state department of health. However, the provider shall be paid a set fee established by MAA for administering the vaccine.

(3) MAA shall pay family planning clinics for birth control pills and contraceptive supplies they dispense to clients according to MAA's established fee schedules.

(4) Drugs and supplies provided to clients by local health departments shall be reimbursed according to MAA's established fee schedules.

NEW SECTION

WAC 388-530-1750 Drugs and pharmaceutical supplies for clients with any third-party coverage. (1) Except as specified under contract, MAA shall not reimburse providers for any drugs/supplies provided to clients who have pharmacy benefits under managed care plans. The managed care plan shall be responsible for payment.

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

(a) "Closed pharmacy network," means an arrangement made by an insurer which restricts prescription coverage to an exclusive list of pharmacies. This arrangement prohibits

the coverage and/or payment of prescriptions provided by a pharmacy not included on the exclusive list.

(b) "Private point of sale (POS) authorization system," means an insurer's system which requires that coverage be verified or submitted for authorization by the insurer's agent at the time of service and at the time the prescription is filled.

(3) MAA clients who have a third-party resource which is a managed care entity or other insurance requires the use of "closed pharmacy networks" or "private point of sale authorization systems" shall not have prescription provider claims paid until the prescription provider submits an explanation of benefits from the private insurance which demonstrates that the prescription provider has complied with the terms of coverage. If the private insurer has paid:

(a) A fee based on the incident of care, the prescription provider must file a claim with the department consistent with the department's billing requirements; or

(b) The prescription provider a monthly capitation fee for all prescription costs related to the client, the prescription provider may submit a claim to the department for the amount of the client co-payment, co-insurance, and/or deductible. The department pays the provider the lesser of the billed amount or the department's maximum allowable fee for the prescription.

(4) If the MAA client is covered by a third-party insurer or benefit plan which does not use exclusive provider networks or POS systems and the department can recover its prescription costs directly from the third party, then the department may pay the prescription provider without regard to the third-party benefits and seek reimbursement directly from the third party. In addition, the department may require prescription provider to assist in obtaining the third-party benefits before or after the department makes its payment for the covered service.

(5) For clients eligible for both Medicare and Medicaid, providers shall:

(a) Be reimbursed for drugs not covered by Medicare but covered by MAA;

(b) Not be reimbursed for drugs covered by Medicare.

NEW SECTION

WAC 388-530-1800 Requirements for pharmacy claim payment. (1) Pharmacies shall use the appropriate department claim form or electronic billing specifications when billing for pharmacy services.

(2) Pharmacies shall bill the actual eleven-digit NDC number of products dispensed.

(3) The MAA allows only two prescriptions of the same drug in any calendar month. Exceptions to this general policy are as follows:

(a) Prescriptions for long-term therapy must be filled for a month's supply.

(b) Compounded prescriptions are allowed more than twice per month.

(c) Suicidal patients may have their prescriptions for dangerous drugs filled for a seven-day supply.

(d) Four fills per month may be allowed for the following drugs:

(i) Antibiotics;

(ii) Anti-asthmatics;

- (iii) Schedule II and III drugs;
- (iv) Antineoplastic agents;
- (v) Topical preparations; and
- (vi) Nonrestricted schedule IV analgesics.

(4) For drugs requiring authorization, providers must insert the authorization number in the appropriate data field of the drug claim for the claim to be reimbursed.

(5) For drugs under the expedited authorization process, providers must insert the authorization number and criteria codes in the appropriate data field of the drug claim for the claim to be reimbursed.

(6) Pharmacy services for clients on restriction under WAC 388-501-0135 shall be prescribed by the client's primary provider and payable only to the client's primary pharmacy, except in cases of emergency, family planning, or properly referred services.

NEW SECTION

WAC 388-530-1850 Drug utilization review. The department shall provide for a drug utilization review (DUR) program consisting of the following components:

(1) Prospective drug use review (Pro-DUR), wherein all providers of prescription drugs shall obtain a patient history, screen for potential drug therapy problems, and counsel the patient in accordance with existing state pharmacy laws and federal regulations.

(2) Retrospective drug use review (Retro-DUR), wherein the department shall provide for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacists, and individuals receiving benefits.

(3) A DUR board, called the drug utilization and education council, which shall:

(a) Have seven members, including three physicians, three pharmacists, and one advanced registered nurse practitioner, representing the three state professional associations of medicine, pharmacy, and nursing. Membership rotation shall be determined by the department.

(b) Meet periodically to advise the department on DUR activities, review provider and patient profiles, establish standards and treatment guidelines for drug therapy, provide interventions targeted toward therapy problems, and produce an annual report.

NEW SECTION

WAC 388-530-1900 Out-of-state prescriptions. (1) The department shall reimburse out-of-state pharmacies for drugs provided to Washington state residents who are temporarily out-of-the-state subject to the provisions of WAC 388-501-0180.

(2) Border situations as described under WAC 388-501-0175 are not subject to out-of-state rules and the department considers pharmacies in border areas as providers in the state of Washington.

(3) Out-of-state pharmacies shall meet the same criteria for payment as in-state pharmacies.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 388-91 WAC Medical care—Drugs

**WSR 95-16-016
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed July 21, 1995, 11:26 a.m.]

Original Notice.

Title of Rule: Chapter 388-15 WAC, Social services for families, children and adults.

Purpose: Comply with new laws; eliminate redundancy; clarify department's purpose and intent; implement court order; incorporate new COPES services approved by the Health Care Financing Administration; modify chore eligibility; and delete rules for obsolete and unfunded services.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520, chapter 18, Laws of 1995 1st sp. sess.

Statute Being Implemented: RCW 74.08.090 and 74.09.520, chapter 18, Laws of 1995 1st sp. sess.

Summary: See Purpose above.

Reasons Supporting Proposal: Update rules to conform with recent changes in law through enacting the E2SHB 1908 and to implement the King County Superior Court Order No. 94-2-90298-7.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Lou Pearson and Lois Wusterbarth, Aging and Adult Services, 493-2538/493-2536.

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

Rule is necessary because of federal law, King County Superior Court Order 94-2-09298-7.

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department contracts directly or indirectly with roughly forty agency providers who arrange for or deliver long-term care services to clients eligible for Medicaid personal care, chore, and COPES programs; however, the rules we are filing do not impact these small businesses, but rather affect client eligibility, cost participation, and make clients subject to estate recovery for these program services. The department's proposed rules do not impact any agency other than the department of social and health services.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by September 12, 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 September 19, 1995.

Date of Intended Adoption: September 28, 1995.

July 21, 1995

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

NEW SECTION

WAC 388-15-192 Long-term care services—Estate recovery procedures. (1) The department shall determine all payments made for the client's state funded long-term care services after July 1, 1995, without regard to a client's age, are recoverable as if the payments were medical assistance payments subject to recovery under:

- (a) 42 U.S.C. Sec. 1396p; and
- (b) Chapter 43.20B RCW.

Estate recovery is described under chapter 388-527 WAC.

(2) The department shall recover funds expended for state-funded long-term care services provided by the chore personal care program, COPES waiver program, Medicaid personal care program and adult family home and residential care programs.

NEW SECTION

WAC 388-15-194 Long-term care services—Nurse oversight. (1) A registered nurse shall visit a community options program entry system client and a Medicaid personal care client one time per year or more often to:

- (a) Review the personal care task delivery portion of the client's service plan;
- (b) Evaluate the effectiveness of the personal care task delivery portion of the client's service plan.

(2) The department or its designee may authorize a registered nurse's oversight visit more frequently than once a year when the client appears to:

- (a) Be at high risk; or
 - (b) Have an unstable condition; or
 - (c) Have a provider who requires training.
- (3) The registered nurse shall document the result of the nurse's oversight visit on the department-prescribed form.

NEW SECTION

WAC 388-15-196 Long-term care services—Minimum qualifications for care providers in home and community settings. To protect the health and welfare of a long-term care service client receiving home and community services, the client's department-paid care provider shall:

- (1) Be eighteen years of age or older;
- (2) Complete and submit a criminal history background inquiry form prescribed by the department;
- (3) Possess the following minimum standards of knowledge and experience:
 - (a) General knowledge of acceptable standards of performance, including the necessity to perform dependably,

report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;

(b) Knowledge of when and how to contact the client's representative and the client's case manager.

(4) Have the following required skills:

(a) Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;

(b) Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;

(c) Adequate skills to maintain provider records of services performed and payments received.

(5) Be able to:

(a) Understand specific directions for providing the care which the individual client requires;

(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;

(c) Identify problem situations and take appropriate action;

(d) Respond to emergencies without direct supervision;

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-202 ((Comprehensive assessment) Long-term care services—Definitions. The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services: (1) "(Assessment" means an inventory and evaluation of abilities and needs)) Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the client's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

(13) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(14) "COPES" means community options program entry system.

(15) "Department" means the state department of social and health services.

(16) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 (36)(a) through (e), (i) through (l), (n), and (o).

(17) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(18) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

(19) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

(20) "Handicapping condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(21) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(22) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(23) "Income" means the same as defined under WAC 388-500-0005.

(24) "Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with the client's service plan.

(25) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(26) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(27) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(28) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(29) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(30) "Medical institution" means as institution defined under WAC 388-500-0005.

(31) "Medically necessary" and "medical necessity" means the same as defined under WAC 388-500-0005.

(32) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(33) "Mental health professional" means a person as defined under WAC 275-57-020(25).

(34) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence.

(35) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(36) "Personal care services" means both physical assistance ~~((with both))~~ and/or prompting and supervising the performance of direct personal care tasks and household tasks ~~((provided to clients functionally))~~, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks ~~((listed in subdivisions (a) through (q) below. The type of help allowable for each task shall))~~ or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance ~~((that must be provided))~~ with tasks performed by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash ~~((self))~~. Bathing includes supervising the client able to bathe self when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, or changing dry bandages or dressings ~~((not requiring))~~ when professional judgment is not required. Body care excludes foot care beyond washing of feet and filing toenails, foot care for clients who are diabetic or have poor circulation, or changing bandages or dressings when

sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health ~~((and))~~, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene ~~((;))~~ and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client ~~((when caring for))~~ to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, including toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of ~~((confusion, forgetfulness, or lack of))~~ impaired judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. ~~((Using))~~ The department shall not allow payment for a provider to use a chain saw or ~~((felling))~~ falling trees ~~((is not allowable)).~~

(37) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(38) "Plan of care" means a "service plan" as described under WAC 388-15-205.

(39) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(40) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(41) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(42) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(43) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where two or more adults for purposes other than or in addition to the provision and receipt of care, reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

(44) "Spouse" means:

(a) A community spouse. "Community spouse" means a person living in the community and validly married to an

institutionalized client or to a client receiving home and community-based waiver services; or

(b) An institutionalized spouse. "Institutionalized spouse" means a validly married client in an institution or receiving waiver home or community-based services.

(45) "SSI-related" means a person who is aged, blind, or disabled.

(46) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(47) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(48) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(49) "Transfer of resources" means the same as defined under WAC 388-513-1365. The department shall apply the penalties in WAC 388-513-1365 to all state-funded long-term care services.

(50) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

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

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance. (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the ~~((individual's))~~ person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff ~~((and))~~ or aging network staff while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each ~~((adult applying for all aging and adult field services programs except adult protective services))~~ client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in- person interview with the client.

(e) When administering the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and
 (iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile both inside and outside the household without assistance.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body Care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client;

(D) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty;

(E) Needs assistance with feeding appliances.

(iii) Substantial. The client must be fed by another person per stomach tube; or must be fed all food by mouth by another person.

(iv) Total. The client must be fed by another person and frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person, intravenously or by nasogastric tube or Hickman catheter.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

PROPOSED

PROPOSED

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, ((~~assessors~~)) the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from ((~~aging and adult field services~~)) department programs after alternative resources have been taken into account.

(b) The ((~~assessors~~)) assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0=none, M=minimal, S=substantial, and T=total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping				
With client	0	5	10	15
or				
For client	0	1	3	5

Meal preparation				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry				
Facilities in home	0	1	2	3
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

(c) The assessor shall add together the points awarded for each task ~~((are added together))~~ to obtain the total score for the applicant or client.

~~((4) Ceiling)~~ (5) Hour computation. ~~((Department staff))~~ The assessor shall:

(a) Convert the total score into maximum ~~((allowable))~~ hours per month ~~((ceiling hours))~~ which may be authorized ~~((; and~~

~~((b) Use the service authorization ceiling chart to convert the score to ceiling hours per month))~~ using the scoring conversion.

Scoring Conversion Chart

((CEILING		CEILING		((CEILING))	
MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

~~((e))~~ (b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

~~((5))~~ (6) The ~~((assessors))~~ assessor shall determine the client's additional hours of supervision needed:

(a) Due to ~~((confusion, forgetfulness or lack of))~~ impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined ~~((in))~~ under WAC 388-15-202~~((-))~~(50); and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

~~((6))~~ (7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-204 Long-term care services—Reassessment. (1) The ~~((assessors))~~ assessor shall perform an interim reassessment or full reassessment of the client's strengths, physical health, functional and cognitive abilities, social resources, emotional and social functioning, preferences, need for informal and community support and services, and need for department paid services:

(a) As required by the program standards in which the client has been authorized services; and

(b) When deemed necessary because of a change in the client's condition or situation.

(2) The department or the department's designee shall continue, deny, or alter services to correspond with the client's present need. The department shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3501, filed 2/24/93, effective 3/27/93)

WAC 388-15-205 Long-term care services—Service plan development. (1) The department ~~((and the aging network when providing case management))~~ or its designee shall develop a service plan with the client which identifies ways to meet the client's needs with the most appropriate services, both formal and informal.

(2) Staff who develop the service plan shall document the:

- (a) Client's specific problems and needs;
- (b) Plan for meeting each need;
- (c) Responsible parties for carrying out each part of the plan;

- (d) Anticipated outcomes;
- (e) Dates and changes to the plan;

(f) Dates of referral, service initiation, follow-up reviews; and

(g) Agreement to the service plan by the client or the client's representative.

NEW SECTION

WAC 388-15-206 Volunteer chore services. The department shall refer an applicant for chore personal care services to the volunteer chore service program when the applicant:

(1) Does not meet the eligibility criteria for chore personal care services;

(2) Is eligible for five hours or less per month of chore personal care services; or

(3) Needs help with household tasks only or tasks that are not available in the chore personal care services program, or both.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

WAC 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals. (1) The department shall follow the legal basis for the chore personal care program ~~((is))~~ as described under RCW 74.08.530 through 74.08.570.

PROPOSED

(2) The ~~((purpose of the program is to))~~ department shall assist an eligible applicant at risk of being placed in a long-term care facility by providing allowable chore personal care tasks that may allow the eligible applicant to remain in or return to the eligible applicant's own residence.

(3) The department may provide chore personal care services ~~((may be provided))~~ through the contracted program or the individual provider program.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

WAC 388-15-209 Chore personal care services—Eligibility. ~~((The department shall consider the following eligibility criteria when determining an applicant's/client's eligibility for chore personal care services:~~

~~(1) Service eligibility))~~ A chore personal care eligible person shall:

~~((a))~~ (1) Be eighteen years of age and over;

~~((b))~~ (2) Be assessed under WAC 388-150-203 through 388-15-205 and found at risk of placement in a long-term care facility as evidenced by:

(a) The need for assistance with one or more direct personal care tasks ~~((listed in))~~ defined under WAC ~~((388-15-208(12), and no one is))~~ 388-15-202(16); and

(b) The lack of persons willing and able to provide unpaid assistance with the required personal care tasks~~((; and (e))~~.

(3) Not be eligible for Medicaid personal care or community options program entry system (COPES) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible.

~~((2) Financial eligibility, meets))~~ (4) Meet the following chore personal care service financial ~~((and resource))~~ eligibility requirements ~~((established by the department;~~

~~(3) Resource eligibility:~~

(a) Has resources at or below ten thousand dollars for a one person family or fifteen thousand dollars for a two-person family. Allow another one thousand dollars for each additional family member;

(b) Resources considered. The department shall consider the following resources when available to the applicant or client in determining the value of an applicant's or client's resources:

(i) Checking accounts;

(ii) Savings accounts;

(iii) Certificates of deposit;

(iv) Money markets;

(v) Negotiable stocks and bonds;

(vi) Latest assessed value of lots or property not attached to residence;

(vii) Market value of a boat or boats, recreational vehicle or vehicles, or excess automobiles;

(viii) Liquid assets such as cash, gold, silver, and other items of an investment and negotiable nature;

(ix) Resources received in transfer or assignment from a spouse under WAC 388-92-043(5) are available to the applicant/client as a single person household and subject to subsections (2) and (3)(a) and (b) of this section; and

(x) Resources transferred for the purpose of making the applicant or client eligible for department paid assistance.

~~(e) Resources excluded. The department shall not consider the following resources, regardless of value, in determining the value of a client's or applicant's resources:~~

~~(i) A home and lot normal for the community where the client or applicant resides;~~

~~(ii) Used and useful household furnishings, personal clothing, and one automobile per client;~~

~~(iii) Personal property of great sentimental value;~~

~~(iv) Real or personal property used by the applicant or client to earn income or for rehabilitation;~~

~~(v) One cemetery plot for each member of the family unit;~~

~~(vi) Cash surrender value of life insurance;~~

~~(vii) Resources that cannot be converted to cash in twenty working days as long as there is a reasonable ongoing effort to convert the resource into cash;~~

~~(viii) Payments received as restitution payments under the Civil Liberties Act of 1988 and the Aleutian and Pribiloff Island Restitution Act, P.L. 100-383; or~~

~~(ix) Real estate sales contracts. The interest and principal payments from real estate sales contracts is treated as unearned income.~~

(4) Adult protective services. Adult protective service clients at risk of being placed in a long-term care facility shall be eligible to receive chore personal care services without regard to income or resources if these services are an integral but subordinate part of the adult protective services plan. These services shall be provided only until the situation necessitating the services has stabilized and are limited to a maximum of ninety days during any twelve-month period; and

(5) Volunteer chore services. An applicant for chore personal care services shall be referred to the volunteer chore service program when the applicant:

(a) Does not meet the eligibility criteria for chore personal care services;

(b) Is eligible for five hours or less per month of chore personal care services;

(c) Is eligible for a reduced level of chore personal care services because income exceeds thirty percent of the state median income; or

(d) Needs help with tasks that are not available in the chore personal care services program));

(a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and

(b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and

(c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:

(i) Ten thousand dollars for a one-person family;

(ii) Fifteen thousand dollars for a two-person family;

(iii) A sum calculated by adding an additional one thousand dollars for each additional family member; or

(5) Be an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:

(a) An integral but subordinate part of the adult protective services plan; and

(b) Provided only until the situation necessitating the service has stabilized; and

(c) Limited to a maximum of ninety days during any twelve-month period; and

(d) Provided without regard to the client's income or resources.

(6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

AMENDATORY SECTION (Amending Order 3730, filed 4/27/94, effective 5/28/94)

WAC 388-15-214 Chore personal care services—Budget control. (1) The department shall establish a monthly dollar lid on chore personal care service expenditures to maintain expenditures within the legislative appropriation.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of chore personal care services applicants (~~(for chore personal care services)~~) on a waiting list in the order of ~~((their))~~ applicant's risk of placement in a long-term care facility. ~~((Priorities shall be as follows:~~

(a) Level A. Applicant:

~~(i) Is client being relocated by the department from a nursing facility; or~~

~~(ii) Needs help with one of the personal care tasks of eating, body care, transfer, positioning, or toileting.~~

(b) Level B. Applicant needs help with four or more other personal care tasks listed under WAC 388-15-208(12);

(c) Level C. Applicant needs help with one to three other personal care tasks.)

(3) The department shall give priority to people:

(a) Who were receiving chore personal care services as of June 30, 1995;

(b) For whom chore personal care services are necessary to return to the community from a nursing home;

(c) For whom chore personal care services are necessary to prevent unnecessary nursing home placement; and

(d) For whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.

(4) If the monthly dollar lid is not sufficient to stay within the legislative appropriation, the department may implement a ratable reduction of hours or payment for some or all chore personal care service clients.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

WAC 388-15-215 Chore personal care services—Program limitations. (1) The department shall not authorize chore personal care services for:

(a) Teaching and companionship;

(b) Child care;

(c) ~~((Providing))~~ Nursing care; or

(d) Developing social, behavioral, recreational, communication, or other types of skills.

(2) ~~((The department shall not provide chore personal care services to a resident of a:~~

~~(a) Group home;~~

~~(b) Licensed boarding home;~~

~~(c) Congregate care facility;~~

~~(d) Nursing care facility;~~

~~(e) Hospital;~~

~~(f) Institution;~~

~~(g) Adult family home; or~~

~~(h) Child foster home.~~

~~Shared living arrangements are not considered group homes.~~

~~(3))~~ The department shall provide chore personal care services only in the client's own home ~~((or surrounding property))~~ except for essential shopping, travel to medical services, and laundry when there is not a laundry facility in the client's home.

AMENDATORY SECTION (Amending Order 3500, filed 1/27/93, effective 2/27/93)

WAC 388-15-216 ~~((Grandparented))~~ Chore personal care services—Grandfathered clients. (1) ~~((Continuing eligibility for hourly care chore personal care clients:~~

~~(a) The department may continue providing hourly chore personal care services for clients receiving assistance with household tasks only before December 14, 1987, provided the clients were receiving the same services as of June 30, 1989;~~

~~(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before December 14, 1987:~~

~~(i) If a review indicates a household tasks only client needs assistance with personal care, Medicaid personal care may be authorized if eligible for Medicaid funding. If not eligible for Medicaid personal care, chore personal care services shall be authorized according to the eligibility requirements for a new client;~~

~~(ii) If more or less household task services are required, services may be authorized accordingly.~~

~~(2))~~ Continuing eligibility for grandfathered attendant care for adults.

(a) The department may continue providing chore personal care services only to clients receiving attendant care before April 1, 1988, provided the clients were receiving the same services as of June 30, 1989.

(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988:

(i) Attendant care service shall be authorized for clients receiving attendant care before April 1, 1988, who continue to need assistance with such unscheduled tasks as toileting, ambulation, and transfer or who need protective supervision;

(ii) Attendant care protective supervision shall be authorized for clients who may hurt themselves, others, or damage property if left alone, or are confused and may wander, or become easily disoriented;

(iii) The amount of service authorized shall be based on the total number of hours per day the chore personal care provider must be with the client. The chore personal care provider performs necessary household or personal care tasks during the authorized attendant care hours.

(c) The department shall pay a daily rate for attendant care for adults a sum not exceeding the department-established rate and:

(i) The department shall add up to five dollars per day for each additional client in the household; and

(ii) The department shall reduce the amount of the department's payment by the ~~((individual provider program hourly rate when the client's income exceeds thirty percent of the state median income))~~ amount of the client's participation in the cost of the client's chore personal care services as described under WAC 388-15-219.

(d) The department shall not increase the payment in effect on June 30, 1989, except for a department-approved vendor rate increase; and

(e) The department shall not pay for services when the client is not in the home, for example, because of hospitalization. The department may provide payment for services up to seven days during the service month to enable the client to return home.

~~((3))~~ (2) Continuing eligibility for hourly family care services.

(a) Clients receiving hourly family care services before April 1, 1988, may continue to be eligible to receive services provided they were receiving the same services as of June 30, 1989.

(b) The department shall make periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988. Families may receive services when the client is the normal caretaker of the children, and is:

(i) In the home but unable to physically care for the children; or

(ii) In the home and physically unable to perform the necessary household tasks; or

(iii) Temporarily out of the home, as defined by the department.

(c) The chore personal care provider may not act as a parent substitute or make major decisions affecting the children.

(d) For families to receive services, the department shall determine the total family income ~~((shall be))~~ is at or below the department-established financial eligibility requirement. Minor children shall not be financially eligible in their own right. The minor children are part of the family unit.

(e) The department shall ensure the determination of need for hourly care takes into consideration the ages, numbers, and levels of responsibility of the children and presence of a spouse. Allowable family care activities ~~((are))~~ include:

(i) Family housework. The need for additional help cleaning the residence because of the presence of children;

(ii) Family tasks. The child's need for travel to medical services, laundry services, meal preparation, essential shopping, bathing and dressing, or other allowable tasks;

(iii) Supervision of children. The need for physical supervision of the children when the client is:

(A) In the home, but unable to provide supervision; or

(B) Temporarily out of the home.

(f) The department shall award points ~~((are awarded))~~ for family care activities as follows:

(i) O = 0;

(ii) M = 14;

(iii) S = 27; and

(iv) T = 40.

The department shall enter the points awarded in the functional abilities and supports comments section of the assessment form and add to the client's total score.

~~((4))~~ (3) Board and room meal allowances. When providing board and room or meals for the chore personal care provider is an extra cost to the client, the department may authorize a payment to partially reimburse the client for this expense. The department shall:

(a) Not reimburse the costs for a spouse provider~~((:));~~

(b) Determine the payment ~~((shall))~~ does not exceed the department-established amount and ~~((shall))~~ will be prorated by days of service~~((:—No client shall be authorized));~~ and

(c) Not authorize a client payment for both a board and room allowance and a meal allowance.

~~((5))~~ (4) Ninety-day rule. ~~((Grandparented))~~ Grandfathered clients terminated from chore personal care services because of transfer to another program may be reauthorized for chore personal care services when the:

(a) Transfer was in effect for less than ninety days; and

(b) Client becomes ineligible for the program the client is transferred to or the program the client is transferred to does not meet the client's needs.

~~((6))~~ ~~((Priority levels. Priority levels for grandparented clients are:~~

~~((a) Level A: Client needs help with one of the following personal care tasks:~~

~~((i) Eating;~~

~~((ii) Body care;~~

~~((iii) Bed transfer;~~

~~((iv) Wheelchair transfer; or~~

~~((v) Toileting.~~

~~((b) Level B: Client needs help with four or more other personal care tasks as described under WAC 388-15-208(13);~~

~~((c) Level C: Client needs help with one to three other personal care tasks;~~

~~((d) Level D: Client needs help with all five household tasks:~~

~~((i) Travel to medical services;~~

~~((ii) Essential shopping;~~

~~((iii) Laundry;~~

~~((iv) Housework; and~~

~~((v) Wood supply.~~

~~((e) Level E: Client needs help with three or four household tasks; and~~

~~((f) Level F: Client needs help with one or two household tasks.))~~

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

NEW SECTION

WAC 388-15-219 Chore personal care service—Client participation. The department shall:

(1) Require a client to participate in the cost of chore personal care services as a necessary precondition to receiving chore personal care services paid for by the state.

(2) Calculate the participation in the cost of the client's services as follows:

(a) Allow the client and the client's at-home spouse to retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance.

(b) Exempt the following amounts from the client's and the client's at-home spouse's combined incomes:

(i) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational institution;

(ii) Earned income tax credit;

(iii) Other income exemptions as described under WAC 388-513-1340; and

(iv) Employment expenses:

(A) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(B) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(C) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(D) Expenses necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job.

(v) Employed disabled incentive exemption as defined under WAC 388-15-217;

(vi) Unearned income deductions required by law in the amounts actually withheld; and

(vii) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services.

(3) Consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under WAC 388-15-217.

NEW SECTION

WAC 388-15-222 Chore personal care services—Employed disabled—Incentive income exemption. (1) The department shall exempt fifty percent of net earned income after work expenses above one hundred percent of the federal poverty level.

(2) The department shall only apply this exemption to:

(a) Clients determined disabled according to WAC 388-511-1105;

(b) The client, not the client's spouse or other household members.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-600 Community options program entry system (COPEs)—Purpose—Legal basis. (1) The purpose of the community options program entry system (COPEs) is to:

(a) Offer the choice of either institutional or home and community-based waiver services to a nursing facility eligible client;

(b) Divert an eligible client from imminent nursing facility placement; and

(c) Discharge an eligible nursing facility client to the client's own home or to a community-based residence.

(2) ~~((Beginning April 1, 1993, and ending March 31, 1994,))~~ The department shall provide COPEs services as an alternative to ~~((institutionalization to not more than seven thousand one hundred ninety two unduplicated clients who:~~

~~(a) The department determines are eligible for nursing facility care per WAC 388-88-081 and 388-15-203; and~~

~~(b) Are institutionalized, or the department determines are likely to be institutionalized within the next thirty days in the absence of waiver services per WAC 388-15-615.~~

~~(3) The department shall))~~ nursing facility care and administer the COPEs Medicaid program as described under subsection 1915(c) of the Social Security Act, codified in the Code of Federal Regulations at 42 CFR 441.300 through 441.310, and approved by the secretary, department of health and human services.

~~((4))~~ (3) The department ((has)) shall have the authority to limit the number of unduplicated COPEs clients served monthly by each aging and adult field services regional office. The approved waiver does not require the department to provide waiver services:

(a) Throughout the state;

(b) Comparable in amount, duration, or scope; or

(c) To each person or target group who require nursing facility level of care.

~~((5) RCW 74.08.043 and 74.08.045 authorize))~~ (4) The department shall have the authority to purchase personal and special care as required under RCW 74.08.043 and 74.08.-045. ((RCW 74.08.390 permits)) The department ((to)) shall conduct demonstration programs and waive specific statutory requirements as required under RCW 74.08.390.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-610 COPEs—((Eligible persons))Eligibility. A COPEs-eligible person shall:

(1) Be an aged, blind, or disabled client, as defined under WAC ((388-92-015)) 388-511-1105 (1)(a), (b), and (c)((, shall be eligible for COPEs services when the department determines the client:

~~(a) Is))~~ (i) and (ii);

(2) Be eighteen years of age or older;

~~((b) Is not financially eligible for Medicaid state plan covered personal care services;~~

~~(c) Has gross monthly income not exceeding three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement, as defined under WAC 388-80-005 (1)(d);~~

~~(d) Has resources at or below the Medicaid standard as defined under WAC 388-95-320 (1)(b) and (c), 388-95-337, and 388-95-340(1);~~

~~(e) Is eligible for nursing facility care;~~

~~(i) Is institutionalized; or~~

~~((ii))~~ (3) Assessed as defined under WAC 388-15-202 through 388-15-205; and

(4) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(5) Is ((not presently institutionalized and will require)) likely to need the level of care provided in a nursing facility ((care)) as defined under WAC 388-97-005(20) within the next thirty days ((in the absence of)), but for the provision of COPEs payments for home ((and)) or community-based waiver services as defined under WAC ((388-15-615)) 388-15-620;

~~((f) Has))~~ and

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(6) Require substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202(36) and 388-15-203(3):

- (a) Eating;
- (b) Toileting;
- (c) Ambulation;
- (d) Transfer;
- (e) Body care;
- (f) Bathing; or

(7) Have cognitive supervision needs and require substantial or total assistance with one or more of the critical self-care tasks in subsection (5)(a) through (f) of this section; or

(8) Currently be in a nursing facility as defined under WAC 388-97-005(20) and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPES program as defined under WAC 388-15-620;

(9) Have a feasible written plan of care. The department shall ensure the plan (~~shall be~~):

(a) Is sufficient to safeguard the client's health and safety and the plan's costs, including the (~~one person medically needy income level, shall be~~) department's published COPES maintenance allowance; and

(b) Is less than ninety percent of the average state-wide nursing facility rate; and

(~~e~~) (10) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility(-

(2) The department shall restrict COPES eligibility to a person meeting the approved COPES waiver target group requirements));

(11)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

(12) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income (SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

(13) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

(14) Meet the COPES waiver target group requirements as specified in the department's approved waiver request.

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-620 COPES—Services. (~~(+)~~) The department may authorize (~~the following services to a COPES eligible client, based on department determination of need and feasible plan of care:~~

(~~a~~):

(1) One of the home and community-based services listed in subsection (2) through (4) of this section, and one or more of the home and community-based services listed in

subsection (5) through (13) of this section when the department:

(a) Determines the service is necessary to prevent the client's institutionalization or enable an institutionalized client to return to the community; and

(b) Includes the service in the client's service plan.

(2) Congregate care (~~(or)~~) and congregate care/assisted living as defined under WAC 388-15-560 through 388-15-568. (~~In addition, congregate care or congregate care/assisted living facilities may provide supervised medication service category C to a COPES-eligible client when:~~

(i) This service is required by the department's plan of care; and

(ii) Medication administration is by a licensed nurse under the general direction of a licensed physician or dentist. Refer to RCW 18.88.285 and WAC 308-117-010 through 308-117-500, 308-120-100 through 308-120-522 and 248-16-229; or

(~~b~~) (3) Adult family home care as defined under WAC 388-15-551 (~~through 388-15-555; or~~

(~~e~~)).

(4) Personal care service(~~s~~) tasks as defined under WAC 388-15-202(36) (~~and included in the client's approved plan of care:~~

(2)), which are performed in the client's own home.

(5) Environmental modifications when the minor physical adaptations to the client's own home:

(a) Are necessary to ensure the client's health, welfare, and safety; or

(b) Enable the client to function with greater independence in the home; and

(c) Are of direct medical or remedial benefit to the client; and

(d) Are in accord with applicable state or local building codes.

(6) Skilled nursing when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of Medicaid-reimbursed home health services as provided under WAC 388-86-045.

(7) Transportation service when the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal in the client's plan of care; and

(b) Is not merely diversional in nature. The department shall ensure this service:

(i) Is in addition to the Medicaid brokered transportation to medical services; and

(ii) Does not replace the Medicaid brokered transportation in the client's plan of care.

(8) Personal emergency response system (PERS) when the service is necessary to enable a client to secure help in the event of an emergency and when the client:

(a) Lives alone, or is alone for significant parts of the day and has no regular care provider for extended periods of time; and

(b) Would otherwise require extensive department-paid routine supervision.

(9) Home health aide service tasks beyond the amount, duration, or scope of the Medicaid-reimbursed home health service provided under WAC 388-86-045. The department

shall authorize this service in addition to those available under WAC 388-86-045. The aide may perform some incidental services, for example, meal preparation in conjunction with providing a health-related service. However, the client's need for an incidental service shall not be in the sole purpose of the aide's visit. Health-related service tasks include assistance with ambulation and exercise, self-administered medications, and hands-on personal care.

(10) Adult day care or day health service provided in an adult day care or day health center when the client:

(a) Is ineligible for or is not receiving Medicaid state plan covered adult day health services sufficient in amount, duration or scope; and

(b) Is chronically ill or disabled, socially isolated and/or confused, or has mild to moderate dementia; and

(c) Requires adult day care or day health service including:

(i) Provision of personal care as defined under WAC 388-15-202(35);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities;

(iv) Supervision or protection for at least four hours a day but less than twenty-four hours a day in a group setting on a continuing, regularly scheduled basis;

(v) Provision of a meal, not replacing or substituting for a full day's nutritional regimen; and

(vi) Programming and activities designed to meet clients' physical, social, and emotional needs.

(11) Client training when the training need is identified in the comprehensive assessment as defined under WAC 388-15-203 (1) and (2); and, provided in accordance with a therapeutic goal in the client's service plan such as adjustment to a serious impairment, management of personal care needs, or development of skills to deal with care providers.

(12) Night support service when overnight assistance, supervision, and monitoring is required for a client:

(a) Unable to be alone at night due to the client's substantial care needs; or

(b) Whose physical or cognitive impairments result in sleep care needs that do not allow the primary care provider to sleep eight hours and receive at least five undisturbed hours of sleep during the eight-hour period; and

(c) Who has no family or other household members who can provide this service.

(13) Home delivered meals when:

(a) The client:

(i) Is homebound;

(ii) Is unable to prepare the meal; and

(iii) Has no other paid or unpaid person available to prepare the meal.

(b) Provision of one meal per day is more cost effective than having a department-paid personal care provider prepare the meal in the client's own home.

(14) The department may not authorize sterile procedures and administration of medications as COPES-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the client's immediate family.

~~((3) When home health and adult day health services, which are not waiver services, are included in the client's COPES plan of care, the department shall include the~~

~~Medicaid-reimbursed service costs in the plan of care cost computation.))~~

AMENDATORY SECTION (Amending Order 3577, filed 6/23/93, effective 7/24/93)

WAC 388-15-630 COPES—Payment((—)) procedures. The department shall:

(1) Allocate all nonexempt income of a person eligible for and receiving COPES services ~~((according to procedures))~~ as described under WAC ~~((388-83-200))~~ 388-15-1505;

(2) Pay for COPES services provided in accordance with a client's approved plan of care, a sum not to exceed the COPES rates set forth in the most recent schedule of department-established and published rates ~~((to:~~

~~(a) Licensed and contracted nonmedical residential care facilities, including);~~

(3) Pay congregate care~~((;))~~ and congregate care/assisted living ~~((and))~~ facilities licensed under chapter 18.20 RCW, and chapters 212-36 and 246-316 WAC for nonmedical residential care.

(4) Pay contracted adult family homes~~((;~~

~~(b) Licensed and contracted home care agencies;~~

~~(c) A person providing care to a COPES-eligible client when the individual provider:~~

~~(i) Is eighteen years of age or older;~~

~~((ii))~~ licensed under chapters 70.128 RCW and 388-76 WAC for nonmedical residential care.

(5) Pay an unrelated person providing board, room, and care to a COPES-eligible client in the unrelated person's own home only:

(a) When the person is licensed and contacted as an adult family home provider as described under subsection (4) of this section; and

(b) At the adult family home rate.

(6) Pay for personal care services provided in the client's own home by home-care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home-health agencies licensed under chapters 70.126 RCW and 246-327 WAC.

(7) Pay an individual personal care provider employed by the client in the client's own home when the individual provider:

(a) Meets or surpasses the ~~((COPES waiver's))~~ department's minimum ~~((standards))~~ qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services shall meet the same standards as providers who are unrelated to the client;

~~((iii))~~ (b) Has a department-approved ~~((COPES contract))~~ individual personal care provider agreement and service payment authorization; and

~~((iv) Is)~~ (c) Has been interviewed, hired, and retained by a COPES-eligible client or the client's representative and ~~((provides))~~ has provided the authorized services defined under WAC 388-15-202 in accordance with the client's ~~((established residence))~~ own home.

~~((3) Pay a qualified unrelated person providing board, room, and care for a COPES-eligible client in the person's established residence only at the adult family home rate. To~~

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~~qualify for payment, the unrelated person's home shall be licensed and contracted as an adult family home.~~

~~(4)) (8) Not pay a COPEs-eligible client's spouse for providing care to the client.~~

~~((5) Pay a COPEs-eligible client's father, mother, son, or daughter only when:~~

~~(a) The relative will not provide the care unpaid; and~~

~~(b) The relative's gross income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.~~

~~(6)) (9) Pay for a one-time minor physical adaptation to the client's own home as authorized and approved by the department when the work is done by:~~

~~(a) A contractor registered with the department of labor and industries under chapter 18.27 RCW; or~~

~~(b) A contracted "handy-man" who has demonstrated skills and abilities to perform minor "do-it-yourself" jobs satisfactorily.~~

~~(10) Pay for skilled nursing provided by:~~

~~(a) A registered nurse licensed under chapters 18.88 RCW and 308-12 WAC; or~~

~~(b) A practical nurse licensed under chapters 18.78 RCW and 248-36 WAC who is under the supervision of a registered nurse; or~~

~~(c) A home health agency meeting the qualifications in subsection (6) of this section.~~

~~(11) Pay for transportation services when:~~

~~(a) The appropriate service mode has been pre-approved; and~~

~~(b) The service is provided by a vendor meeting the same standards required for the state plan covered medical transportation service program.~~

~~(12) Pay a contracted electronic communication equipment vendor and monitoring agency a one-time installation amount and a monthly service rate for personal emergency response system (PERS) service.~~

~~(13) Pay for home health aide service tasks performed by a nursing assistance certified and registered under chapter 18.88A RCW and provided to a client in the client's one home. The department shall authorize payment under COPEs for home health aide service tasks only when state plan covered home health services are not sufficient in amount, duration, and scope to meet the client's unmet needs.~~

~~(14) Pay for adult day services provided in an adult day center certified as a Title XIX provider which provides services for a client who has mild or moderate dementia or is:~~

~~(a) Chronically ill or disabled;~~

~~(b) Socially isolated and confused;~~

~~(c) Unable/unsafe to be left alone during the day; and~~

~~(d) Needs assistance with personal care.~~

~~(15) Pay for client training provider by licensed and certified provider types with expertise in the area of the client's training need, for example, dieticians and nutritionists registered under chapter 18.138 RCW for nutrition evaluation and counseling.~~

~~(16) Pay an individual provider who meets the qualifications in subsection (7) of this section to provide night support services, including personal care and direct supervision, for a client in the client's own home for a period not to exceed ten hours per night. When possible, the client~~

shall utilize family or other household members who can provide this service without charge. The department shall not pay members of the client's household for provision of night support services.

(17) Pay for one home-delivered meal per day per client. The department shall pay a Title III provider or pay a restaurant, cafeteria, or caterer when the client's needs cannot be met by a Title III provider due to the client's geographic inaccessibility or special dietary needs, the time of day or week the meal is needed, or the Title III provider's waiting lists. The department shall ensure the provider complies with Washington state department of health and local board of health regulations for food service establishments and the meal:

(a) Is nutritionally balanced and delivered to the client's home;

(b) Does not replace nor be a substitute for a full day's nutritional regimen but will provide at least one-third of the current recommended dietary allowance (RDA) as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council;

(c) As a unit of service equals one meal.

(18) Not make additional payments beyond the department-established and published COPEs rates. The department rates shall include all services provided to a COPEs-eligible client under applicable department contracts.

(19) Not make additional payments beyond the department-established and published COPEs rates. The department rates shall include all services provided to a COPEs-eligible client under applicable department contracts.

AMENDATORY SECTION (Amending Order 3796, filed 10/12/94, effective 11/12/94)

WAC 388-15-830 Medicaid personal care services—Eligibility. (1) ((The department shall provide)) An eligible Medicaid personal care ((services to a)) person shall be:

(a) Certified as a Title XIX categorically needy medical assistance client;

(b) ((Programmatically eligible; that is, due to a handicapping condition, is)) Assessed as defined under WAC 388-15-202 through 388-15-205 and shall be determined to need personal care assistance with one or more direct Medicaid personal care tasks to remain in a community residence due to a handicapping condition as defined under WAC 388-15-202(2)). In assessing the client with a handicapping condition, the department may require documentation from a physician or a mental health professional to determine the extent of the person's handicapping conditions; and

(c) Residing in the client's own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility.

(2) The department shall determine a person's eligibility for Medicaid personal care services ((shall begin)) begins upon the date of the department's service authorization.

(3) The department shall not authorize chore personal care services or adult family home add-on services to a person qualifying for Medicaid personal care services when the person's service needs are met within the scope of the Medicaid personal care program.

(4) For an applicant through seventeen years of age or until the applicant transfers out of DCFS foster care or group care, the DCFS or DDD assessor shall only assess the need for personal care services exceeding the level of age appropriate personal care and not already being provided for through the child's natural/unpaid support systems. The assessor shall use a comprehensive assessment form specific to children for children from birth through seventeen years of age or until the age of transfer out of DCFS foster care or group care.

(5) The client shall be reassessed at least annually or more often as deemed necessary as defined under WAC 388-15-204.

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

AMENDATORY SECTION (Amending Order 3538, filed 4/28/93, effective 5/29/93)

WAC 388-15-880 Medicaid personal care services—Payment ~~((and authorization))~~ procedures. ~~((Payment and authorization))~~

~~(1) In the individual provider program, the department pays the department established rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty five hours per month.~~

~~(2) In the contracted program, the department pays the contractor who pays the service provider.~~

~~(3) The department shall establish rates paid for the provision of Medicaid personal care. Current maximum rates shall be contained in the departments social service payment system appendices A, E, and C.~~

~~(4) No))~~ The department shall:

~~(1) Pay for Medicaid personal care services provided in accordance with a client's approved plan of care, a sum not to exceed the Medicaid personal care rates as set forth in the most recent schedule of department-established and published rates.~~

~~(2) Pay contracted congregate care facilities licensed under chapter 18.20 RCW and chapters 246-316 and 212-36 WAC for authorized personal care services.~~

~~(3) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for authorized personal care services.~~

~~(4) Pay for personal care services provided to an adult by home care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home health agencies licensed under chapters 70.126 RCW and 246-327 WAC. The department shall:~~

~~(a) Make agency payments directly to the agency or through a factor.~~

~~(b) May authorize agency services when the adult client's service plan requires eighty-five or fewer hours personal care service per month.~~

~~(c) Ensure the contractor ~~((shall))~~ pays service providers performing Medicaid personal care services ~~((less than))~~ five dollars and fifteen cents or more per hour.~~

~~(5) ~~((DCFS authorizations for Medicaid personal care in a childrens foster/group home, or for children residing in~~~~

~~their own homes shall not exceed sixty hours of service per month.~~

~~(6) ~~The department shall))~~ Pay an individual personal care provider providing personal care when the provider:~~

~~(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services must meet the same standards as providers who are unrelated to the client;~~

~~(b) Has a department-approved individual personal care provider agreement and service payment authorization;~~

~~(c) Has been interviewed, hired, supervised, and retained by a client eligible for Medicaid personal care or the client's representative; and~~

~~(d) Has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan.~~

~~(e) Pay for personal care services when authorized for a child and provided by:~~

~~(a) A foster parent or group care facility defined under WAC 388-73-014(8);~~

~~(b) An agency which meets the qualifications in subsection (4) of this section and is contracted by the division of children and family services or the division of developmental disabilities for services provided in:~~

~~(i) A foster or group home; or~~

~~(ii) The child's own home; or~~

~~(iii) The home of a child's relative under a relative placement.~~

~~(c) An individual provider who meets the qualifications in subsection (5) of this section without regard to the number of hours of service.~~

~~(7) Not pay a Medicaid personal care client's spouse nor pay a Medicaid personal care eligible child's parent or step-parent, when the child is seventeen years of age or younger, for providing care to the client.~~

~~(8) Not make payment for services provided exceeding the department's authorization.~~

AMENDATORY SECTION (Amending Order 3538, filed 4/28/93, effective 5/29/93)

WAC 388-15-890 Medicaid personal care services—Program limitations. (1) Because Medicaid services are specific to the eligible client and based on medical necessity, the department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone~~((or))~~;

(c) Services provided at a site other than the client's residence, ~~((except for the tasks of laundry, travel to medical services, and essential shopping))~~ unless authorized by the department in the written service plan;

~~((e))~~ (d) Developing social, behavioral, recreational, communication, or other types of skills;

~~((d))~~ Cleaning areas of the home not occupied by the client, laundering clothing or bedding for someone other than the client, and shopping for groceries or household items not

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required specifically for the health and maintenance of the client;

~~(e) Direct personal care tasks, household assistance, or)~~

~~(e) Companionship;~~

~~(f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing ((personal care)) assistance with one or more direct personal care tasks((and~~

~~(f) Companionship)) as described in WAC 388-15-202(16), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, or body care; or~~

~~(g) Assisting or supporting other household members not eligible for Medicaid personal care.~~

(2) The department shall adjust payment for services according to department established rates which take into account the ~~((common))~~ provision of household tasks ((ef)) done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, ((and)) wood supply, travel to medical services and supervision when:

(a) More than one client lives in the same household; and

(b) The client is ~~((sharing))~~ in a shared living arrangement((s)).

(3) The department shall not authorize meal preparation, wood supply, laundry, or housework as a Medicaid personal care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home.

(4) ~~((The type of help allowable for each))~~ Personal care ((task shall)) tasks do not include assistance ((that must be provided only by a)) requiring a licensed health professional.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-208	Definitions.
WAC 388-15-212	Service determination.
WAC 388-15-213	Payment.
WAC 388-15-615	COPEs—Program restrictions.
WAC 388-15-850	Medicaid personal care services—Nurse oversight.
WAC 388-15-860	Medicaid personal care services—Personal care aide qualifications.
WAC 388-15-870	Medicaid personal care services—Service provision system.

WSR 95-17-015

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 7, 1995, 2:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-09-007.

Title of Rule: Utility lines—Franchises and permits, chapter 468-34 WAC.

Purpose: To streamline the existing application, review and approval process, as well as improve efficiency.

Statutory Authority for Adoption: Chapter 47.44 RCW.

Summary: Update the rules. To implement the findings of a recent study of the application, review and approval process, it is necessary to make some minor revisions.

Reasons Supporting Proposal: These rule changes will permit system enhancements that will improve customer service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Harold Peterfeso, Olympia, (360) 705-7299.

Name of Proponent: Harold Peterfeso, Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes the process of application, review and approval methods used for obtaining a franchise or permit to install utility facilities within state right of way. It prescribes what types of facilities are permitted and where.

Proposal Changes the Following Existing Rules: The proposal makes minor changes to the type of accompanying application documents. Aligns the fee schedule with category based permit/franchise systems. Describes category system and updated notice of filing section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will not impact small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Commission Board Room, Olympia, Washington, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Tamra Osborne by October 6, 1995, TDD (360) 705-6980.

Submit Written Comments to: Harold Peterfeso, FAX (360) 705-6815, by October 6, 1995.

Date of Intended Adoption: October 10, 1995.

August 7, 1995

S. A. Moon

Deputy Secretary
for Operations

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-34-010 Applications. Applications for franchises and permits submitted to the Washington state department of transportation shall conform with the following requirements:

(1) Applications shall be submitted upon forms available from the department.

(2) Applications shall include ~~((a map or suitable sketch showing all existing roads within a reasonable distance on either side of the state highway and for at least one half mile on either end of the beginning and end of the requested franchise location))~~ the utility facility description plus additional plans and data for CAT 1 and CAT 2 installations.

(3) Applications shall indicate compliance with the standards as set forth in the POLICY ON ACCOMMODATION OF UTILITIES ON HIGHWAY RIGHTS OF WAY as contained in these rules and any amendments thereto.

(4) The application shall discuss alternate possibilities, especially when a location on or across a limited access facility is considered necessary. Reasons for need to adhere to location as proposed must be adequately set forth in the application.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-020 Costs. (1) The applicant shall pay the reasonable cost to the department for investigating, handling and granting the franchise or permit, including but not limited to fees of hearing officers and reporters, including basic overhead charges upon the application and for providing an inspector during construction and/or maintenance of the utility facility as follows:

(For each new franchise	\$500.00
For renewal of franchise	\$250.00
For amendment of franchise	\$200.00
For consolidation of franchise	\$300.00
For assignment of franchise	\$ 50.00
For each permit	(\$150.00))

<u>For permit/franchise/amendment</u>	
<u>Category 1</u>	<u>\$500.00</u>
<u>Category 2</u>	<u>\$300.00</u>
<u>Category 3</u>	<u>\$150.00</u>
<u>For franchise consolidation</u>	<u>\$300.00</u>
<u>For franchise renewal</u>	<u>\$250.00</u>
<u>For franchise assignment</u>	<u>\$50.00</u>

together with an additional charge in the amount of expenses, if any, actually incurred by the department: *Provided*, That no charge shall be made for applications for franchise or permit where the applicant is the United States or any of its agencies, or a utility anticipating relocation from its private easement acquired or to be acquired by the department for construction or reconstruction of a state highway.

(2) An equitable portion of the added costs of design and construction of highway structures shall be charged to any utility company which is required to pay the costs of relocation of its facilities and/or to any utility company making new installations.

(3) Before any construction work is started, a surety bond in an amount required by the department, but not less than one thousand dollars, written by a surety company authorized to do business in the state of Washington, may be required by the department to insure completion of construction, including the restoration of surfacing, slopes, slope treatment, top soil, landscape treatment, drainage facilities and cleanup of right of way for a period ending not more than one year after date of completion, except the applicant shall be required to maintain an individual bond for a period to two years after date of completion where the utility facility disturbs the traveled lanes or usable shoulder. A blanket surety bond may be maintained covering multiple franchises or permits in lieu of individual bonds at the department's discretion. A blanket surety bond shall be in an amount of not less than ten thousand dollars.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-34-050 Notice of filing. Upon the filing of application for franchise, the department shall cause notice thereof to be given in the county or counties in which any portion of the highway upon which the franchise applied for is located, at the expense of the applicant, by ~~((posting written or printed notice in a public place at the county seat of such county or counties and by))~~ publishing a ~~((like))~~ notice once a week for two consecutive weeks, in ~~((two successive issues of))~~ a newspaper having a general circulation in such county or counties. The notice shall state the name of the applicant and a description of the state highway or part thereof over which the franchise application extends. ~~((The auditor of the respective county shall cause the notices to be posted and published and shall file proof of posting and publishing with the department.))~~

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-110 Definition of terms. Unless otherwise stated, words and phrases used herein shall have the following meaning:

(1) Highway - A general term denoting a street, road or public way for purposes of vehicular travel, including the entire area within the right of way.

(2) Conventional highway - An arterial highway without access control.

(3) Limited access highway - A highway upon which the rights to ingress and egress, light, view and air are controlled by law.

(a) Full control of access - Means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads by prohibiting crossings or direct private driveway connections at grade.

(b) Partial control of access - Means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade.

(c) Modified control of access - Means that the authority to control access is exercised to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of establishment, may be allowed.

(d) Freeway - A fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(4) Frontage road - A local street or road auxiliary to an arterial highway for service to abutting property and adjacent areas and for control of access.

(5) Scenic route - A highway forming a part of the scenic and recreational highway system as set forth under chapter 47.39 RCW.

(6) Roadway prism - That portion of the highway right of way between back of ditch, bottom of ditch, back of curbs including slopes, shoulders, pavement and a median of less than sixteen feet in width.

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(7) Roadway - The portion of a highway including shoulders, for vehicular use. A divided highway has two or more roadways.

(8) Median - The portion of a divided highway separating the traveled ways for traffic in opposite directions.

(9) Roadside - The roadside is the area between the edge of the roadway shoulder and the right of way line and unpaved medians on multilane highways.

(10) Rest area - A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest. It may include drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.

(11) Viewpoint - A roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

(12) Right of way - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to highway transportation purposes.

(13) Clear roadside policy - The policy employed by a highway authority to increase safety, improve traffic operation and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat, and rounded as practical and as free as practical from physical obstructions above the ground such as trees, drainage structures, nonyielding sign supports, utility poles and other ground-mounted obstructions.

(14) Encroachment - Unauthorized use of highway right of way as for signs, fences, buildings, etc.

(15) Restoration - A general term denoting replacing, repairing or otherwise restoring the right of way to the same or equal conditions as before any change or construction thereon.

(16) Franchise - Occupancy and use document required for longitudinal occupancy of highway rights of way in accordance with chapter 47.44 RCW.

(17) Permit - Occupancy and use document required for an occupancy of the highway rights of way other than by franchise as provided in chapter 47.44 RCW.

(18) Private lines - Privately owned facilities which convey or transmit commodities as listed in WAC 468-34-100, but are devoted exclusively to the use of the owner.

(19) Roadway structure - The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

(20) Overcrossing - A grade separation where the subject highway passes over an intersecting highway or railroad.

(21) Undercrossing - A grade separation where the subject highway passes under an intersecting highway or railroad.

(22) Backfill - Replacement of soil around and over a pipe.

(23) Bedding - Organization of soil or fine gravel to support a pipe.

(24) Overfill - Backfill above a pipe.

(25) Sidefill - Backfill alongside a pipe.

(26) Carrier - Pipe directly enclosing a transmitted fluid (liquid or gas).

(27) Casing - A larger pipe enclosing a carrier.

(28) Sleeve - Short casing through pier or abutment of highway structure.

(29) Vent - Appurtenance to discharge gaseous contaminants from casings.

(30) Coating - Material applied to or wrapped around a pipe.

(31) Conduit or duct - An enclosed tubular runway for protecting wires or cables.

(32) Cover - Depth of top of pipe below grade of roadway or ditch.

(33) Drain - Appurtenance to discharge accumulated liquid contaminants from casings or other enclosures.

(34) Encasement - Structural element surrounding a pipe.

(a) Jacket - Encasement by concrete poured around a pipe.

(b) Walled - Partially encased by concrete poured alongside the pipe.

(35) Gallery - An underpass for two or more pipelines.

(36) Grounded - Connected to earth or to some extended conducting body which serves as a ground instead of the earth.

(37) Manhole - An opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections, and tests.

(38) Pipeline - A tubular product made as a production item for sale as such.

(39) Pressure - Relative internal pressure in psig (pounds per square inch gage).

(40) Slab, floating - Slab between but not contacting pipe and pavement.

(41) Trenched - Installed in a narrow open excavation.

(42) Untrenched - Installed without breaking ground or pavement surface, such as by jacking or boring.

(43) Utility service connection - A service connection from a utility's distribution or feeder line or main to the premises served.

(44) Traffic control - Those provisions necessary to safeguard the public during construction activities.

(45) Normal - Crossing at a right angle.

(46) Standard specifications for road, bridge, and municipal construction - The compilation of standard requirements for road, bridge, and municipal construction issued by the Washington state department of transportation.

(47) True line and grade - A line reasonably free from variation on both horizontal and vertical alignment.

(48) Control zone guidelines - Guidelines established to control the placement of above-ground utility facilities within the highway right of way.

(49) Major reconstruction - Upgrading the capacity of the facility and/or replacement of more than fifty percent of the poles or towers within any mile.

(50) Roadbed - The graded part of the roadway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

(51) Subgrade - The top surface of the roadbed on which subbase, base, surfacing, pavement, or layers of similar materials are placed.

(52) Utility - A term denoting electric power, communication, cable television, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation, fire or police signal systems, and similar lines. Also, the term utility includes those utility-type facilities which are owned or

leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility does not include utility-type facilities required for the support, control, operation, and maintenance of the highway system, if they are owned and controlled by the highway authority.

(53) Installation categories - Utility installations will be defined by the effect the installation will have on the highway integrity and impact to the traveling public.

(a) Category 1 installations have considerable impact on highway facilities and the public and will require a detailed review effort by more than one department office.

(b) Category 2 installations have limited impact on highway facilities and the public and may require review by more than one department office.

(c) Category 3 installations have little or no impact on highway facilities and the public and will be reviewed only by the office processing the application.

(d) Category 4 installations are same-side service connections below a specified size (see application instructions) and are exempt from the permit/franchise process except in limited access controlled areas.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-170 Permits and franchises—Contents.
All permits or franchises shall:

(1) Incorporate all pertinent provisions of this policy as to location, construction, traffic protection, maintenance, access restriction, preservation of visual qualities, and such special conditions as the department may deem appropriate.

(2) Generally describe the facilities to be installed as to size, type, nature and extent.

(3) Contain adequate exhibits (~~(, preferably state highway maps,)~~ depicting:

(a) Existing or proposed location in relation to the highway.

(b) Existing or planned highway improvements.

(c) Right of way.

(d) Control of access and access points.

(4) Contain a summarization of the effects the installation will have on the aesthetics of the highway right of way and visible natural features.

(5) Specify the extent of liability and responsibilities associated with future adjustment of the utility facilities to accommodate highway improvements.

(6) Specify the effect of noncompliance with the conditions thereof.

(7) Contain terms which shall commit the holder to a pledge that performance of routine cutting and trimming work will be accomplished in such a manner that the roadside appearance will not be disfigured. When major work is involved, or damage to roadside appearance may become significant, the holder shall secure the approval of the department in advance of the work.

(8) Contain a certification of compliance with the control zone guidelines.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-340 Miscellaneous. (1) Preservation, restoration and cleanup

(a) Disturbed areas - The size of the disturbed area shall be kept to a minimum. Restoration methods shall be in accordance with the specifications and/or special provisions of the permit or franchise. Unsatisfactory restoration work shall be promptly redone by the utility. If necessary, restoration work that is not acceptable to the department, may be repaired by the department and billed to the utility company.

(b) Drainage - Care shall be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility facilities should be backfilled with pervious material and outlets provided for entrapped water. Underdrains should be provided where necessary. No jetting or puddling shall be permitted under the roadway.

(c) Spraying, cutting and trimming of trees - The indiscriminate cutting of trees or disfiguring of any feature of scenic value shall not be permitted. The utility shall repair or replace in kind any tree or shrub removed or disfigured when such is not necessary for the utility installation.

(d) If chemical sprays are used to kill weeds and brush, they shall comply with currently applicable federal and state department of agriculture regulations and the following:

(i) A special permit issued by the department shall be required.

(ii) Brush and trees thirty inches or higher shall be close cut and treated with spray to kill the roots and stumps.

(iii) Brush shall be disposed of by chipping or removal from the right of way.

(iv) Brush and weeds thirty inches or less in height may be treated with a chemical spray. After the brush and weeds have died, they shall be immediately removed to prevent a serious fire hazard.

(v) The utility shall be responsible for any drift of the spray that contacts vegetation on private property adjacent to the highway.

(vi) Ingredients that are toxic to livestock, game animals or fowls shall not be used.

(e) Refuse and debris shall be disposed of to the satisfaction of the department.

(2) Safety and convenience

(a) Traffic controls including detours for utility construction and maintenance shall conform with currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways." All construction and maintenance operations shall be planned to keep interference with traffic to an absolute minimum. On heavily traveled highways construction operations interfering with traffic shall not be allowed during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches or other access points is held to a minimum. Adequate provisions shall be made to safeguard any open excavation to include barricades, lights, flagmen, or other protective devices as may be necessary.

(b) All utility facilities shall be kept in good state of repair both structurally and from the standpoint of appearance. The permit or franchise shall specify the maintenance

operations which are permitted and the required notification to the department before any work is accomplished. Vehicle parking and the storage of materials on through roadways or ramps shall not be allowed.

(c) If emergency repairs are required, such repairs shall be undertaken and notice given immediately and approval as to the manner of repair secured as soon as possible. The utility shall confine its operations as much as possible to the nontraveled portion of the right of way and shall exercise caution to protect the traveling public during such repairs. Flagmen, warning lights, barricades, and signs shall be employed in accordance with currently applicable *Manual on Uniform Traffic Control Devices for Streets and Highways*, and *Manual for Emergency Traffic Control for Protection of Men and Equipment*.

(d) Installations included in the Category 4 exemption require twenty-four hours notice to the department prior to construction. Vehicle parking and the storage of materials on through roadways or ramps shall not be permitted. Flagmen, warning lights, barricades, and signs shall be employed in accordance with currently applicable *Manual on Uniform Traffic Control Devices for Streets and Highways*, and *Manual for Emergency Traffic Control for Protection of Men and Equipment*.

WSR 95-17-023
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed August 7, 1995, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-008.

Title of Rule: Repealing WAC 388-86-020 Dental services, 388-86-021 Dentures, and 388-87-050 Payment—Dental services; amending 388-87-005 Payment—Eligible providers defined; and new chapter 388-535 WAC, Dental-related services.

Purpose: Add denturists as eligible to enroll as medical assistance providers, as allowed under Initiative 607. Reformats dental WAC to add enhanced children dental benefits as allowed under ESHB 1410 and adds dental payment methodology.

Statutory Authority for Adoption: RCW 74.08.090, Initiative 607, and ESHB 1410.

Statute Being Implemented: RCW 74.08.090, Initiative 607, and ESHB 1410.

Summary: Adds denturists as eligible providers to enroll as medical assistance administration providers. Adds enhanced services to medical assistance. In addition, adds payment methodology to dental WAC.

Reasons Supporting Proposal: ESHB 1410 enhanced the benefits to Medicaid children. Initiative 607 adds denturists as licensed professional in this state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect only medical assistance administration clients. There are no anticipated environmental consequences of adopting this proposed rule. The legislators appropriated \$42 million dollars for implementation of increased dental access to children in Washington state. There are a limited number of dentists participating in the Medicaid program. Using denturists may increase services to clients unable to receive dentures based on the limited number of dentists participating in the medical assistance program.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by September 12, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by September 19, 1995.

Date of Intended Adoption: September 27, 1995.

August 7, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3620, filed 8/11/93, effective 9/11/93)

WAC 388-87-005 Payment—Eligible providers defined. (1) The following providers shall be eligible for enrollment to provide medical care to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, denturism, chiropractic, or physical, occupational, speech, or respiratory therapy;

(b) A hospital currently licensed by the department of health;

(c) A facility currently licensed and classified by the department as a nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);

(d) A licensed pharmacy;

(e) A home health services agency licensed under chapter 70.127 RCW;

(f) A hospice care agency licensed under chapter 70.127 RCW;

(g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(h) A company or person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen,

eyeglasses, other appliances, or approved services not otherwise covered under this section;

(i) A provider of screening services having a signed agreement with the department to provide such services to eligible persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;

(k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, or Indian health service clinic;

(l) A chemical dependency facility:

(i) Certified by the division of alcohol and substance abuse under chapter 275-19 WAC, or its successor; and

(ii) Included in a coordinated continuum of chemical dependency services per a county plan under chapter 275-25 WAC or its successor.

(m) A Medicare-certified rural health clinic;

(n) A federally qualified health care center;

(o) Licensed or certified agencies or persons having a signed agreement with the department to provide coordinated community AIDS service alternatives program services:

(i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;

(ii) Facilities or agencies providing therapeutic-home-delivered meals;

(iii) Dietitians or nutritionists; and

(iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.

(p) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations;

(q) An out-of-state provider of services listed under subsection (1)(a) through (l) of this section subject to conditions specified under WAC 388-87-105;

(r) A Washington state school district or educational service district;

(s) A licensed birthing center; and

(t) A Medicare-certified ambulatory surgical center.

(2) The department shall not pay for services performed by the following practitioners:

(a) Acupuncturists;

(b) Sanipractors;

(c) Naturopaths;

(d) Homeopaths;

(e) Herbalists;

(f) Masseurs or manipulators;

(g) Christian Science practitioners or theological healers;

and

(h) Any other licensed or unlicensed practitioners not otherwise specifically provided for under the rules of this chapter.

(3) Conditions of provider enrollment.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not enroll

the provider unless the department determines the violations leading to the sanction or license restriction are not likely to be repeated. In the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, medical assistance administration, the provider constitutes a danger to the health and safety of clients.

Chapter 388-535 WAC DENTAL-RELATED SERVICES

NEW SECTION

WAC 388-535-1000 Dental-related services—Scope of coverage. (1) The medical assistance administration (MAA) shall pay only for covered medical and dental services, equipment, and supplies listed in MAA published issuances, including billing instructions, numbered memoranda, and bulletins.

(2) MAA shall pay for covered dental services, equipment and supplies when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary;

(c) Within accepted medical or dental practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(d) Not listed under WAC 388-535-1100, Noncovered services; and

(e) Billed according to the conditions of payment under WAC 388-87-010 and 388-87-015.

(3) MAA shall cover the following dental-related services:

(a) Oral health evaluations/assessments, including oral health screening by providers of screening services authorized by MAA to provide screening.

(i) Oral health evaluation or assessment services shall be covered twice a year, and an oral health evaluation of a child shall include an indicator of the child's oral health status.

(ii) The screening services shall, at a minimum, include:

(A) A comprehensive oral health and developmental history;

(B) An assessment of physical and oral health development and nutritional status;

(C) Health education, including anticipatory guidance; and

(D) Oral health status.

(b) Dental services necessary for the identification of dental problems or the prevention of dental disease subject to limitations of this chapter;

(c) Coronal polishing and scaling, provided that coronal polishing shall not be covered for children eight years old or younger, unless prior authorized;

(d) Dental services or treatment necessary for the relief of pain and infections, including removal of wisdom teeth, except that routine removal of wisdom teeth without justifiable medical indications shall not be covered;

(e) Dental services or treatment necessary for the restoration of teeth and maintenance of dental health subject to limitations of this chapter;

(f) Orthodontic treatment, which is defined as the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth. The following limitations apply:

(i) Orthodontic coverage is limited to clients who are eligible for the early and periodic screening, diagnosis and treatment (EPSDT)/healthy kids services;

(ii) Prior approval is required; and

(iii) Treatment is limited to conditions specified in WAC 388-535-1250.

(g) Complete and partial dentures, and necessary modifications, repairs, rebasing, relining and adjustments of dentures, and cost base partial dentures with prior authorization.

(4) For children identified as high risk by the department or clients identified by the department as developmentally disabled, the following preventive services may be allowed more frequently than the limits listed in (3) of this section:

(a) Fluoride application;

(b) Root planing, if a developmentally disabled client; and

(c) Prophylaxis scaling and coronal polishing, if nine years of age and over, or developmentally disabled.

(5) Panoramic radiographs are allowed only for oral surgical or orthodontic purposes.

(6) The department shall cover medically necessary services provided in a hospital for the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization. Services covered under this subsection shall be furnished under the direction of a physician or dentist.

(7) For clients residing in nursing facilities or group homes, the following additional requirements shall apply:

(a) Dental services must be requested by the client or a referral for services made by the attending physician, facility nursing supervisor, or the client's legal guardian;

(b) Mass screening for dental services of clients residing in a facility is not permitted, except for the EPSDT/healthy kids services as described under WAC 388-86-027;

(c) Nursing facilities shall provide medically necessary dental services in accordance with WAC 388-97-225.

(8) If eligibility for dental services ends before the conclusion of the dental treatment, payment for any remaining treatment shall be the client's responsibility. The client shall be responsible for payment of any dental treatment or service received during any period of ineligibility for medical care, even if the treatment was started when the client was eligible.

NEW SECTION

WAC 388-535-1050 Definitions. This section contains definitions of words and phrases the department uses in rules for the medical assistance administration dental program.

(1) "**Access to baby and child dentistry (ABCD)**" is a Spokane County pilot initiative to increase access to dental services for Medicaid eligible infants, toddlers, and preschoolers.

(2) "**Arch**" means the curving structure formed by the crowns of the teeth in their normal position, or by the residual ridge after loss of the teeth.

(3) "**Banding**" means the application of orthodontic brackets to the teeth and/or face for the purpose of correcting dentofacial abnormalities.

(4) "**Behavior management**" means managing the behavior of a client during treatment using the assistance of additional professional staff, and restraints such as a papoose board or sedative agent, to protect the client from self-injury.

(5) "**Buccal**" means pertaining to or directed toward the cheek.

(6) "**By report**" - A method of payment for a covered service, supply, or equipment for which the medical assistance administration has not established a maximum allowable, either because the service or supply is new and its use is not yet considered standard, or it is a variation on a standard practice, or is rarely provided. Payment for a "by report" service or item is made on a case-by-case basis.

(7) "**Caries**" means a disease of the calcified tissues of the teeth resulting from the action of microorganisms on carbohydrates, characterized by a decalcification of the inorganic portion of the tooth and accompanied or followed by disintegration of the organic portion.

(8) "**Child**" - For purposes of the dental program, a child is defined as a person zero through eighteen years of age.

(9) "**Cleft**" means a longitudinal opening or fissure, especially one occurring in the embryo. Also see "facial cleft."

(10) "**Comprehensive oral evaluation**" means a thorough evaluation and recording of the extraoral and intraoral hard and soft tissues. Includes the evaluation and recording of the patient's dental and medical history and a general health assessment.

(11) "**Corona**" is the portion of a tooth that is covered by enamel, and is separated from the root or roots by a slightly constricted region, known as the neck.

(12) "**Craniofacial anomalies**" means abnormalities of the head and face, either congenital or acquired.

(13) "**Current dental terminology (CDT), second edition (CDT-2)**," a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

(14) "**Dental analgesia**" means the use of agents to induce insensibility to or relief from dental pain without loss of consciousness.

(15) "**Dental anesthesia**" means the use of agents to induce loss of feeling or sensation in order to allow dental services to be rendered to the client. The term is applied

especially to the loss of sensation of pain through general anesthesia.

(16) "**Dentin**" is the chief substance or tissue of the teeth, which surrounds the tooth pulp and is covered by enamel on the crown and by cementum on the roots of the teeth.

(17) "**Dental prosthesis**" means a replacement for one or more of the teeth or other oral structure, ranging from a single tooth to a complete denture.

(18) "**Dentures**" are a set of natural or artificial teeth; ordinarily used to designate an artificial replacement for the natural teeth.

(19) "**Dysplasia**" means an abnormality of development of the teeth.

(20) "**Enamel**" is the white, compact, and very hard substance that covers and protects the dentin of the crown of a tooth.

(21) "**Facial clefts**" are the clefts between the embryonic processes which normally unite to form the face. Failure of such union, depending on its site, causes such developmental defects as cleft lip (harelip), cleft mandible, oblique facial cleft, and transverse facial cleft (macrostomia).

(22) "**High risk**" child means any child who has been identified through an oral evaluation or assessment as having a high risk for dental disease because of caries in the child's dentin; or a child identified by the department as developmentally disabled.

(23) "**Hypoplasia**" means the incomplete or defective development of the enamel of the teeth.

(24) "**Limited oral evaluation**" means an evaluation or reevaluation limited to a specific oral health situation or problem.

(25) "**Limited visual oral assessment**" - A service performed by dentists which involves assessing the need for sealants to be placed by dental hygienists; screening children in Head Start or ECEAP programs; providing triage services; or in circumstances referring a child to another dentist for treatment. These assessments are also used by dental hygienists performing intraoral screening of soft and hard tissues to assess the need for prophylaxis, sealants, fluoride varnish, or refers to a dentist for other dental treatment.

(26) "**Low risk**" child means any child who has been identified through an oral evaluation or assessment as having a low risk for dental disease because of the absence of white spots or caries in the enamel or dentin. This category includes children with restorations who are otherwise without disease.

(27) "**Macrostomia**" means a greatly exaggerated width of the mouth, resulting from failure of union of the maxillary and mandibular processes, with extension of the oral orifice to the ear. The defect may be unilateral or bilateral.

(28) "**Malocclusion**" means the contact between the maxillary and mandibular teeth as will interfere with the highest efficiency during the excursive movements of the jaw that are essential to mastication. The abnormality is categorized into four classes, graded by angle.

(29) "**Moderate risk**" child means a child who has been identified through an oral evaluation or assessment as having a moderate risk for dental disease, based on presence of white spots, enamel caries or hypoplasia.

(30) "**Occlusion**" means the relation of the maxillary and mandibular teeth when in functional contact during activity of the mandible.

(31) "**Oral evaluation**" is an evaluation performed on a client, new or established, to determine the patient's dental and/or medical health status, or changes to that status.

(32) "**Oral health assessment or screening**" is a comprehensive oral health and developmental history; an assessment of physical and oral health development and nutritional status; and health education, including anticipatory guidance.

(33) "**Oral health status**" refers to the client's risk or susceptibility to dental disease at the time an oral evaluation is done by a dental practitioner. This risk is designated as low, moderate or high based on the presence or absence of certain indicators.

(34) "**Oral sedation**" means the use of oral agents to produce a sedative or calming effect.

(35) "**Orthodontia**" is a treatment involving the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth.

(36) "**Partial dentures**" means a prosthetic appliance replacing one or more missing teeth in one jaw, and receiving its support and retention from both the underlying tissues and some or all of the remaining teeth.

(37) "**Prophylaxis**" is a preventive intervention which includes the scaling and polishing of teeth to remove coronal plaque, calculus, and stains.

(38) "**Rebase**" means to replace the base material of a denture without changing the occlusal relations of the teeth.

(39) "**Reline**" means to resurface the tissue side of a denture with new base material in order to achieve a more accurate fit.

(40) "**Restorative services**" means services or treatments to restore a tooth to its original condition by the filling of a cavity and replacement of lost parts, or the material used in such a procedure.

(41) "**Root planing**" is a procedure designed to remove microbial flora, bacterial toxins, calculus, and diseased cementum or dentin from the teeth's root surfaces and pockets.

(42) "**Scaling**" means the removal of calculous material from the exposed tooth surfaces and that part of the teeth covered by the marginal gingiva.

(43) "**Sealant**" is a material applied to teeth to prevent dental caries.

(44) "**Space management therapy**" is a treatment to hold space for missing first and/or second primary molars and maintain position for permanent teeth.

(45) "**Usual and customary charge**" means the fee that the provider usually charges his or her non-Medicaid customers for a service or item. This is the maximum amount that the provider may bill MAA for the same service or item.

NEW SECTION

WAC 388-535-1100 Noncovered services. (1) Unless required as a result of a EPSDT/Healthy Kids screen, included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries;

the MAA shall specifically exclude from the scope of covered dental-related services:

(a) Services, procedures, treatment, devices, drugs, or application of associated services which MAA or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the services are provided;

(b) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;

(c) Orthodontia for adults, except that Medicaid eligible clients nineteen and twenty years of age who meet the criteria in WAC 388-535-1250 shall be covered;

(d) Orthodontia for children who do not meet the criteria in WAC 388-535-1250, or who request orthodontia for cosmetic reasons;

(e) Any service specifically excluded by statute;

(f) More costly services when less costly equally effective services as determined by the department are available; and

(g) Nonmedical equipment, supplies, personal or comfort items and/or services.

(h) Prophylaxis, for children eight years of age or younger, unless developmentally disabled:

(i) Root planing for children eighteen years of age or younger;

(j) Molar endodontics for clients nineteen years of age or older;

(k) Endodontic services for anterior primary teeth, except that new therapeutic pulpotomy shall be covered; and

(l) For a persons nineteen years of age and older, unless developmentally disabled:

(i) Routine fluoride treatments;

(ii) Molar endodontics; or

(iii) Orthognathic surgery.

(2) MAA does not pay for the following services/supplies:

(a) Missed or canceled appointments;

(b) Provider mileage;

(c) Take-home drugs;

(d) Educational supplies;

(e) Reports, client charts, insurance forms, copying expenses;

(f) Service charges/delinquent payment fees;

(g) Dentists writing prescriptions or calling in prescriptions or prescription refills to a pharmacy; and

(h) Medical supplies used in conjunction with an office visit.

NEW SECTION

WAC 388-535-1150 Eligible dental providers defined. (1) The following providers shall be eligible for enrollment to provide and be reimbursed for dental-related medical services to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine and osteopathy, for oral surgery procedures;

(b) Persons currently licensed by the state of Washington to practice dentistry;

(c) Persons currently licensed by the state of Washington to practice as dental hygienists;

(d) Persons currently licensed by the state of Washington to provide denture services (denturists);

(e) Hospitals currently licensed by the department of health;

(f) Federally-qualified health centers;

(g) Participating health departments;

(h) Medicare-certified ambulatory surgical centers;

(i) Medicare-certified rural health clinics;

(j) Public health providers of dental screening services who have a signed agreement with the department to provide such services to persons eligible for EPSDT/healthy kids services; and

(k) Border area or out-of-state providers of dental-related services qualified in their states to provide these services.

(2) A licensed provider participating in the MAA dental program may be reimbursed only for those services that are within his or her scope of practice.

(3) The provider shall bill the department and its clients according to WAC 388-87-010 and WAC 388-87-015.

NEW SECTION

WAC 388-535-1200 Prior authorization. (1) The following services require prior approval:

(a) Nonemergent surgical procedures as described under WAC 388-86-095;

(b) Nonemergent hospital admissions as described under WAC 388-86-050 and 388-87-070;

(c) Orthodontic treatment as described under WAC 388-535-1000 (3)(f);

(d) Cast base partial dentures; or

(e) Coronal polishing and scaling for children eight years of age and under.

(2) When requesting prior approval, the department shall require the dental provider to submit, in writing, sufficient objective clinical information to establish medical necessity including, but not limited to:

(a) A physiological description of the disease, injury, impairment, or other ailment;

(b) Pertinent laboratory findings;

(c) X-ray reports; and

(d) Patient profiles.

(3) The department shall approve a request when the requested service meets the criteria in WAC 388-535-1000(2), Scope of coverage.

(4) The department shall deny a request for dental services when the requested service is:

(a) Not medically necessary as defined under WAC 388-500-0005; or

(b) A service, procedure, treatment, device, drug, or application of associated service which MAA or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the service is provided.

(5) The department may require a second opinion and/or consultation before the approval of any elective oral surgical procedure.

NEW SECTION

WAC 388-535-1250 Orthodontic coverage for DSHS clients. The department shall cover orthodontia care when:

- (1) Prior authorized;
- (2) A client is eligible for EPSDT/healthy kids services; and
- (3) A client meets one of the following categories:
 - (a) A child with clefts and congenital or acquired craniofacial anomalies:
 - (i) Cleft lip and palate, cleft palate, and cleft lip with alveolar process involvement;
 - (ii) Craniofacial anomalies, including but not limited to:
 - (A) Hemifacial microsomia;
 - (B) Craniosynostosis syndromes;
 - (C) Cleidocranial dysplasia;
 - (D) Arthrogryposis;
 - (E) Downs syndrome;
 - (F) Marfans syndrome; or
 - (G) Other syndromes by review;
 - (iii) Other diseases/dysplasia with significant facial growth impact, e.g., Juvenile Rheumatoid Arthritis (JRA); or
 - (iv) Post traumatic, post radiation, or post burn jaw deformity.
 - (b) A child with severe malocclusions which include one or more of the following:
 - (i) A severe skeletal disharmony;
 - (ii) A severe overjet resulting in functional impairment;
 - (iii) A severe vertical overbite resulting in palatal impingement; and/or damage to the mandibular labial tissues.
 - (c) A child with other malformations resulting in severe functional impairment will be reviewed for medical necessity.

NEW SECTION

WAC 388-535-1300 Access to baby and child dentistry (ABCD) program. (1) The access to baby and child dentistry (ABCD) program is a demonstration project in Spokane County, established to increase access to dental services for Medicaid eligible infants, toddlers, and pre-schoolers.

- (2) Children eligible for the ABCD program shall be four years of age and under and residing in Spokane County.
- (3) Dental providers certified by the University of Washington continuing education program shall provide ABCD services.
- (4) In addition to services provided under the medical assistance administration (MAA) dental care program, the following services are provided:
 - (a) Family oral health education; and
 - (b) Case management services.
- (5) Clients who do not comply with program requirements may be disqualified from the ABCD program. The client remains eligible for regular MAA dental coverage.
- (6) MAA pays enhanced fees to ABCD-certified participating providers for the targeted services.

NEW SECTION

WAC 388-535-1350 Payment Methodology—Dental services. (1) For covered services provided to eligible clients, MAA shall reimburse dentists and related providers on a fee-for-service or contract basis, subject to the exceptions and restrictions listed under WAC 388-535-1100, Noncovered services and WAC 388-535-1400 Payment limits.

(2) In general maximum allowable fees (MAFs) for dental services provided to adult clients are based on the department's historical reimbursement rates, updated for legislatively authorized vendor rate increases.

(3) MAA may pay providers a higher reimbursement rate for selected dental services provided to children eighteen years and younger in order to increase children's access to dental services.

(4) Maximum allowable fees (MAFs) for dental services provided to children are set as follows:

(a) The department's historical reimbursement rates for various procedures are compared to usual and customary charges.

(b) The department consults with and seeks input from representatives of the provider community to identify program areas/concerns that need to be addressed.

(c) The department consults with dental experts and public health professionals to identify and prioritize dental services/ procedures in terms of their effectiveness in improving and/or promoting children's dental health.

(d) Legislatively authorized vendor rate increases and/or earmarked appropriations for children's dental services are allocated to specific procedures based on this priority list and considerations of access to services.

(e) Larger percentage increases are given to those procedures which have been identified as most effective in improving and/or promoting children's dental health.

(f) Budget-neutral rate adjustments are made as appropriate based on the department's evaluation of utilization trends, effectiveness of interventions, and access issues.

(5) Dental anesthesia services for all eligible clients are reimbursed on the basis of base anesthesia units (BAU) plus time. Payment for dental anesthesia is calculated as follows:

(a) Dental procedures are assigned five base anesthesia units;

(b) Twelve minutes constitute one unit of time. When a dental procedure requiring anesthesia results in multiple time units and a remainder (less than twelve minutes), the remainder or fraction shall be considered as one time unit;

(c) Time units are added to the five base anesthesia units and multiplied by the anesthesia conversion factor;

(d) The formula for determining reimbursement for dental anesthesia is: (5.0 base anesthesia units + time units) x conversion factor = payment.

(6) Dental hygienists shall be paid at the same rate as dentists for services allowed under The Dental Hygienist Practice ACT.

(7) Licensed denturists or dental laboratories billing independently shall be paid at MAA's allowance for prosthodontics.

(8) Fee schedule changes are made whenever vendor rate increases or decreases are authorized by the legislature.

(9) The department uses the American Dental Association's Current Dental Terminology, Second Edition (CDT-2) as the basis for identification of dental services. The department supplements this list with state-assigned procedure codes to identify services which do not fit exactly into the CDT-2 descriptions.

(10) The department may adjust maximum allowable fees to reflect changes in the services or procedure code descriptions.

NEW SECTION

WAC 388-535-1400 Payment limitations—Dental services. (1) Provision of covered services to a client eligible for a medical care program constitutes acceptance by the provider of the department's rules and fees.

(2) Participating providers shall bill the department their usual and customary fees.

(3) Payment for dental services is based on the department's schedule of maximum allowances. Fees listed in the MAA fee schedule are the maximum allowable fees.

(4) Payment to the provider will be the lesser of the billed charge (usual and customary fee) or the department's maximum allowable fee.

(5) If a covered service is performed for which no fee is listed, the service shall be paid "By Report."

(6) Clients shall be responsible for payment as described under WAC 388-087-010 for services not covered under the client's medical care program.

NEW SECTION

WAC 388-535-1450 Payment—Denture laboratory services. (1) A dentist using the services of an independent denture laboratory shall request services for an MAA client in the same manner he or she requests services for his or her private patient.

(2) An independently practicing denturist may bill the department directly. No reimbursement will be made to a dentist for services performed and billed by an independent denturist.

NEW SECTION

WAC 388-535-1500 Payment—Hospital services. The department shall pay for medically necessary dental-related hospital inpatient and outpatient services according to WAC 388-87-070 and WAC 388-87-072.

NEW SECTION

WAC 388-535-1550 Dental care provided out-of-state. (1) The department shall authorize and provide comparable dental care services to clients who are temporarily outside of the state to the same extent that such dental care services are furnished to clients in the state, subject to the same exceptions and limitations as in-state clients.

(2) The department shall not provide out-of-state dental care to clients receiving medical care services as defined under WAC 388-500-0005. The department shall cover dental services in designated bordering cities for eligible clients.

(3) Out-of-state dental providers shall meet the same criteria for payment as in-state providers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-86-020 Dental services.
WAC 388-86-021 Dentures.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-050 Payment—Dental services.

WSR 95-17-029
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 9, 1995, 9:55 a.m.]

Medical Assistance Administration is withdrawing, as filed under WSR 95-16-014, the proposals of new chapter 388-530 WAC, Pharmacy services and repealed chapter 388-91 WAC, Medical care—Drugs.

If you have any questions, please call Sharon Staley, rules coordinator, at 902-7540.

Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-030
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 9, 1995, 9:56 a.m.]

Continuance of WSR 95-14-116.

Preproposal statement of inquiry was filed as WSR 94-21-010.

Title of Rule: Repealing WAC 388-527-2710 Recovery from estates, 388-527-2720 Restitution, and new sections WAC 388-527-2730 Estate recovery definitions, 388-527-2740 Recovery for medical assistance provided to a client who died before July 1, 1994, 388-527-2742 Recovery for medical assistance provided to a client who died after June 30, 1994 and before June 30, 1994, 388-527-2744 Recovery for medical assistance provided to a client who died after June 30, 1995, 388-527-2770 Recovery for all state-funded long-term care provided to a client who died after June 30, 1995, and 388-527-2790 Filing of a lien.

Purpose: Expands the state's recovery of medical assistance, both what services may be included in the estate recovery, and who the state may now recover from.

Date of Intended Adoption: September 6, 1995.

August 9, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-17-049
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 11, 1995, 3:52 p.m.]

Medical Assistance Administration is withdrawing, as filed under WSR 95-17-023, the proposals of WAC 388-86-020 Dental services (repeal), 388-86-021 Dentures (repeal), 388-87-050 Payment—Dental services (repeal), 388-87-005 Payment—Eligible providers defined (amend), and chapter 388-535 WAC, Dental-related services (new).

If you have any questions, please call Sharon Staley, rules coordinator, at 902-7540.

Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-17-061
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 100240—Filed August 15, 1995, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-12-011.

Title of Rule: WAC 388-515-1505 Copes.

Purpose: This proposed amendment is to allow COPEs clients to live in a licensed boarding home.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC currently allows a COPEs client to reside in an adult family home and a congregate care facility.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment is made only to support the rules found under WAC 388-15-900 through 388-15-955. Those regulations were carefully drafted to be cost neutral for assisted living providers. Currently providers have been providing such service for two years pending development of regulations.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 12, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by September 19, 1995.

Date of Intended Adoption: September 27, 1995.

August 15, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

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

WAC 388-515-1505 Community options program entry system (COPEs). (1) The department shall determine a person eligible for COPEs when a person is eighteen years of age or over and:

(a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPEs, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(b) Requires the level of care provided in a nursing facility;

(c) Has a department-approved plan of care that meets the eligibility requirements for COPEs personal care as described under WAC 388-15-610 (1)(f); and

(d) Is able and chooses to reside at home with community support services, in a:

(i) Congregate care facility (CCF)~~((-or-a))~~;

(ii) Licensed adult family home (AFH); ~~((and))~~ or

(iii) Licensed boarding home (LBH).

(e) Is institutionalized, or the department determines is likely to be institutionalized within the next thirty days in the absence of waived services under WAC 388-15-615.

(2) The department shall not require participation in the cost of COPEs care by a person:

(a) Receiving SSI; or

(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available income of the SSI-related COPEs client as described under WAC 388-513-1380 (1), (2), (3), (4)(b), (c), (d), (e), (f), (g), and (h), (5), and (6). The client shall retain an amount equal to the medically needy income level (MNIL) for one person for maintenance needs.

(4) The SSI-related client residing in ~~((an adult family home or))~~ a CCF, AFH, or LBH shall:

(a) Retain from a maintenance needs amount, a specified personal needs allowance as described under WAC 388-250-1600 and 388-250-1650; and

(b) Pay the remaining maintenance needs amount to the facility for the cost of board and room.

(5) The department shall include the remaining income after allocations as the participation amount for COPEs services as described under WAC 388-15-620.

PROPOSED

WSR 95-17-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 15, 1995, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-047.

Title of Rule: WAC 388-87-020 Subrogation.

Purpose: Expands the department requirements to collect medical assistance costs of health care expended on clients when there is a third-party resource.

Statutory Authority for Adoption: SSB 5419(6) and RCW 74.08.090.

Statute Being Implemented: SSB 5419.

Summary: Expands the department requirements to collect medical assistance costs expended on clients when there is a third-party resource.

Reasons Supporting Proposal: WAC amendment is required by SSB 5419.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, (360) 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amends rules related to medical assistance clients, it has no economic impact on either small or large business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DSHS can voluntarily apply the criteria of section 201. MAA has reviewed this rule to assure the criteria of section has been considered.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 12, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by September 19, 1995.

Date of Intended Adoption: September 27, 1995.

August 15, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 264 (part), filed 11/24/67)

WAC 388-87-020 Subrogation. (1) As a condition of medical care eligibility as described under WAC 388-505-0540, a client shall assign to the state any right the client

may have to receive payment from any liable third party for reimbursement of state-made expenses for medical care for health care items or services provided to the client.

(2) The department shall not be responsible to pay for medical care for ((an applicant or recipient)) a client whose personal injuries are occasioned by the negligence or wrongdoing of another: *Provided, however,* That the ((director)) secretary of the department or the secretary's designee may ((in his discretion)) furnish the medical care required as a result of ((such)) an injury((ies)) to the client if the client is otherwise eligible for medical care and no other liable third party has been identified at the time the claim is filed, and the department shall thereby be subrogated to the ((applicant's or recipient's)) rights of recovery therefore to the extent of the ((cost)) value of medical care ((paid for)) furnished by the department.

(3) The department may pursue its right to recover the value of medical care provided to an eligible client from any liable third party as a subrogee, assignee, or by enforcement of its public assistance lien as provided under RCW 43.20B.040 through 43.20B.070.

(4) Recovery pursuant to the subrogation rights, assignment, or enforcement of the lien granted to the department shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement. No settlement or judgment of a lien created under RCW 43.20B.060 shall be discharged or compromised without written consent of the secretary of the department or the secretary's designee. The department shall only consider compromise or discharge of a medical care lien as authorized by federal regulation at 42 CFR 433.139.

(5) The doctrine of equitable subrogation shall not apply to defeat, reduce, or prorate recovery by the department as to its assignment, lien, or subrogation rights.

WSR 95-17-086
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 21, 1995, 1:45 p.m.]

Medical Assistance Administration is withdrawing, as filed under WSR 95-14-058, the proposal of WAC 388-86-005 Services available to recipients of categorically needy medical assistance, 388-86-030 Vision care, 388-86-073 Occupational therapy, 388-86-075 Outpatient and emergency care, 388-86-090 Physical therapy, 388-86-098 Speech therapy services, 388-500-0005 Medical definitions, 388-503-0370 Medically indigent eligible persons, 388-519-1905 Base period, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI emergency medical expense requirement (EMER), 388-518-1840 LCP-MI spenddown, 388-521-2140 Effective date for the medically indigent, and 388-529-2950 Scope of care—Medically indigent.

If you have any questions, please call Sharon Staley, rules coordinator, at 902-7540.

PROPOSED

WSR 95-17-087
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed August 21, 1995, 2:40 p.m.]

Original Notice.

Title of Rule: Washington state scholars program, WAC 250-66-020, 250-66-040, and 250-66-050.

Purpose: To incorporate statutory changes to the program as adopted by the 1995 legislature.

Statutory Authority for Adoption: Chapter 28B.80 RCW and 2SHB 1318.

Statute Being Implemented: RCW 28A.600.130, 28B.15.543, 28B.80.245, and 28B.80.246, as amended by 2SHB 1318.

Summary: Amends program award benefit for Washington scholars selected after June 30, 1994, replacing the "full or partial tuition and services and activities fee waiver" with a cash grant at the state's public colleges and universities.

Reasons Supporting Proposal: Statutory changes by the 1995 legislature as adopted through 2SHB 1318.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann McLendon and John Klacik, 917 Lakeridge Way, Olympia, (360) 753-7843; and Enforcement: Shirley Ort, 917 Lakeridge Way, Olympia, (360) 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: Replaces the "full or partial waiver of tuition and services and activities fees at the state's public colleges and universities, at the discretion of the institution governing board," with a cash grant for undergraduate study. The cash grant award benefit already exists for Washington scholars attending Washington independent schools participating in the program. This statutory change ensures consistency in the benefit regardless of the scholar's choice of attendance through Washington public or independent institutions.

Proposal Changes the Following Existing Rules: Current award language provides recipients selected after June 30, 1994, with a full or partial tuition and fee waiver at the discretion of the public institution's governing boards. The new language replaces the "permissive" tuition waiver language with a cash grant for undergraduate study through the public colleges and universities within the state.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a scholarship program established to provide financial assistance to students attending Washington public and participating independent colleges and universities. There is no small business economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule change incorporates new Washington state statutory changes, as passed by the 1995 legislature, into Washington Administrative Code without material changes made from statutory language.

Hearing Location: Third Floor Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, on September 27, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Ann McLendon, (360) 753-7843 by September 26, 1995, TDD (360) 753-7809, or (360) 753-7800.

Submit Written Comments to: Elson S. Floyd, Executive Director, FAX (360) 753-7808, by September 26, 1995.

Date of Intended Adoption: October 26, 1995.

August 21, 1995

Elson S. Floyd
Executive Director

AMENDATORY SECTION (Amending WSR 93-19-014, filed 9/2/93, effective 10/3/93)

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." ~~((a))~~ Students who received their Washington state scholars awards prior to June 30, 1994, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

~~((b) Students who received their Washington state scholars awards after June 30, 1994, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, may be eligible for a full or partial waiver of tuition and services and activities fees at any Washington public institution of higher education.))~~

(7) "Grant(s)." Students ~~(selected)~~ named as Washington state scholars ~~(choosing)~~ who choose to attend an independent college or university, as defined in subsection (2) of this section and recipients of the award named after June 30, 1994, who choose to attend a public college or university within the state, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose.

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Grants ~~((shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants))~~ to recipients attending a Washington independent institution shall also be contingent upon the ~~((independent college or university))~~ institution matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(a) Grant amounts.

(i) Maximum grant award value. Grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(ii) Calculation of individual award amounts. The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program. Individual recipients may receive state grants which do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(b) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(i) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(ii) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(iii) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.

(c) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.

(8) "Regular academic year" shall mean fall and spring semester at institutions operating on the semester system, or fall, winter, and spring quarter at institutions operating on the quarter system.

AMENDATORY SECTION (Amending WSR 92-16-038, filed 7/30/92, effective 8/30/92)

WAC 250-66-040 Recipient eligibility. (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or ~~((&))~~ the grant at public and independent colleges or universities, the student must meet the following requirements. The student must:

(a) Be a resident of the state of Washington.
(b) Have attended high school in the state of Washington.

(c) Be a designated and fully recognized recipient of the Washington state scholars award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within three years of high school graduation.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

(g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Duration of eligibility. ~~((Recipients))~~ Subject to criteria set forth in subsection (1)(a) through (h) of this section, individual recipients of the Washington state scholars award shall be eligible ~~((to receive))~~ for award benefits until a cumulative total of eight semesters or twelve quarters of waiver and/or grant benefits have been received by the scholar under this program ~~((for a maximum total of eight semesters or twelve quarters))~~.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the cumulative terms of waivers of tuition and service and activities fees ~~((and))~~ and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

AMENDATORY SECTION (Amending Order 5-88, Resolution No. 88-13, filed 7/5/88)

WAC 250-66-050 Administration. (1) Administering agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award, with the assistance of the selection committee created by WAC 250-66-030(3) of this act.

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

(j) Make grant payments to eligible recipients for undergraduate study.

WSR 95-17-092
PROPOSED RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY
 [Filed August 22, 1995, 3:00 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amendments to Yakima County Clean Air Authority Restated Regulation I to include changes necessary to meet ecology and EPA approval for inclusion into the Washington state SIP; and to reflect recent statutory amendments.

Purpose: Amending Sections 1.03, 4.01, 4.02, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.11, 6.02, 8.02, 8.05, 9.05, and 12.01.

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

Summary: Changes to Yakima County Clean Air Authority Restated Regulation I are necessary to meet ecology and EPA approval for inclusion into the SIP. Additional changes to Article V reflect statutory changes pursuant to SHB 2771.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yakima County Clean Air Authority, 6 South 2nd Street, Yakima, WA 98901, (509) 575-4116.

Name of Proponent: Yakima County Clean Air Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects:

Article I

In Section 1.01 the spelling of Yakima is changed to Yakama as it pertains to the Indian Nation. In Section 1.03 definitions have been added or deleted to be consistent with chapter 173-400 WAC and the Washington state SIP, as follows: Added: "Actual Emissions," "Adverse Impact on Visibility," "Ambient Air Quality Standard," "Combustion and Incineration Sources," "Commenced Construction," "Concealment," "Emission Reduction Credit (ERC)," "Emissions Unit," "Excess Emissions," "Federal Clean Air Act (FCAA)," "Federal Land Manager," "Fossil Fuel-fired Steam Generator," "Fugitive Dust," "Fugitive Emissions," "General Process Unit," "Good Engineering Practice (GEP)," "Major Modification," "Major Stationary Source," "Net Emissions Increase," "Nonattainment Area," "Opacity," "Order of Approval" or "Approval Order," "Particulate Matter" or "Particulates," "Particulate Matter Emissions," "Parts Per Million (ppm)," "PM-10," "PM-10 Emissions," "Potential to Emit," "Prevention of Significant Deterioration (PSD)," "Reasonably Available Control Technology (RACT)," "Significant," "Significant Visibility Impairment," "Stack," "Stack Height," "Standard Conditions," "Volatile Organic Compound (VOC)," Deleted: "Air Quality Standard."

Article IV

In Section 4.01 "Pressure sensitive tape and label coating operations" are added to the list of sources required to register. In Section 4.02 RACT is replaced by BACT as it may be required of sources that substantially alter or replace control equipment.

Article V

In Section 5.01 "less than 500 tons of" is added to limit the quantity of natural vegetation that may be permitted for the purpose of land clearing and reference to the new subsection 5.03(D) exemption to permit requirements is added. In Section 5.03 subsection D is deleted and structure fires for the purpose of fire fighting instruction is added to the exemptions to permit requirements under the new subsection D, as required by SHB 2771. In Section 5.04 references to the new 5.03(D) are added. In Section 5.05 subsection B language is deleted and added to subsection A to clarify the prohibition of open burning during curtailment and the time limitations for extinguishing fires, in progress at the time a curtailment is called, is changed. In Section 5.06 applicability of 5.06 and precedence of other sections applicability is defined and RACT requirements and definition are specified. Additionally an exception for sulfur dioxide emissions is deleted and a parameter for measuring sulfur dioxide emissions is added in this section. A subsection is also added to specify requirements of fugitive dust sources. In Section 5.07 the required method for testing of unburned hydrocarbons emitted is added and a requirement to meet the provisions of Section 5.08 is added. In Section 5.09 the required method for measuring particulate emissions as it applies to hogged fuel boilers is added. Additionally subsections are added to specify requirements of wigwam burners and catalytic cracking units. In Section 5.11 language defining the purpose of investigation and source test methods is added. Additionally an exception to the

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requirements of opacity monitoring and an exemption for sources scheduled for retirement are deleted. Also added are subsections to provide for emission inventory requirements and reporting requirements for changes in raw materials or fuel.

Article VI

In Section 6.02 language referring to Section 6.03 is deleted.

Article VIII

In Section 8.02 language providing for rescinding or withholding grant funds is added. In Section 8.05 language further defining severability is added.

Article IX

In Section 9.05 language defining first and second stages of impaired air quality as each applies to use of solid fuel burning devices.

Article XII

In Section 12.01 the titles of chapter 173-430 and 173-470 WAC are changed.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA, on November 8, 1995, at 2:30 p.m.

Submit Written Comments to: Yakima County Clean Air Authority, County Courthouse, Yakima, Washington, FAX (509) 454-6954, by November 7, 1995.

Date of Intended Adoption: November 8, 1995.

August 16, 1995

Gary W. Pruitt

Air Pollution Inspector

Reviser's note: The material contained in this filing will appear in the 95-19 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 95-17-093

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 22, 1995, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-055.

Title of Rule: Calibration services.

Purpose: To establish a fee schedule that will provide increased revenues to more fully support cost recovery of services provided and to transition from a cumbersome fee schedule consisting of a combination of hourly, piece and set rates to a single hourly rate applicable to all services performed by the metrology laboratory.

Statutory Authority for Adoption: RCW 19.94.216 and 19.94.325.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule establishes a single hourly fee schedule which applies to all services performed in the metrology laboratory. Additional mileage and per diem costs are charged for services performed at sites other than the metrology laboratory.

Reasons Supporting Proposal: Chapter 355, Laws of 1995, stipulates that the metrology laboratory shall recover at least 75% of the laboratory's costs incurred in providing services by June 30, 1998.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Arrington, 1111 Washington Street, Olympia, (360) 902-1856.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the fee structure for inspection, testing and calibration services provided by the department's metrology laboratory. Chapter 355, Laws of 1995, stipulated that fees charged for services performed by the metrology laboratory would recover at least 75% of the laboratory's costs on or before June 30, 1998. This initial fee level will provide baseline data for future adjustments needed to meet the statutory requirement. Increases in excess of the fiscal growth factor are authorized for fiscal years 1996, 1997, and 1998.

Proposal Changes the Following Existing Rules: This proposal changes the current metrology laboratory fee schedule from a combination of hourly and piece/set rates to a single hourly rate for all services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Increase in fees will not impose more than minor costs on industry.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The department will file this as a "significant legislative rule" because the rule appears to adopt substantive provisions of law pursuant to delegated legislative authority and, ultimately, if businesses affected under RCW 19.94.325 don't comply, the department has authority to take regulatory action.

Hearing Location: Room 205, Natural Resources Building, 1111 Washington Street, Olympia, WA 98504, on October 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 5, 1995, TDD (360) 902-1996.

Submit Written Comments to: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2086, by October 10, 1995.

Date of Intended Adoption: October 17, 1995.

August 21, 1995

Julie C. Sandberg

Assistant Director

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to

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establish reasonable fees for ~~((weighing, measuring,)) inspection, testing and ((providing)) calibration services performed by the ((weights and measures)) metrology laboratory on weights and measures standards.~~

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

WAC 16-675-030 Condition of submitted weights and measures. ~~((Effective July 1, 1994.))~~ Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of ~~(\$28.30)~~ **\$50.00** an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

AMENDATORY SECTION (Amending WSR 94-12-035, filed 5/25/94, effective 6/25/94)

WAC 16-675-040 Schedule of laboratory fees. ~~((Effective July 1, 1994.))~~ The following fees will be charged for services performed by the ~~((weights and measures)) metrology laboratory of the department:~~

- ~~((1))~~ For the testing or calibration of avoirdupois weights;
 - weighing less than 50 lbs. \$ 22.60 an hour
 - weighing from 50 to 499 lbs. \$ 34.00 an hour
 - weighing 500 lbs. or more \$ 56.70 an hour
- For the testing or calibration of metric weights;
 - weighing less than 20 kg \$ 22.60 an hour
 - weighing from 20 to 24 kg \$ 28.30 an hour
 - weighing from 25 to 249 kg \$ 34.00 an hour
 - weighing 250 kg or more \$ 56.70 an hour

- (2) For the testing or calibration of class 5, 6, e or f weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
 - sets containing less than 10 weights \$ 22.60 a set
 - sets containing 10 to 24 weights \$ 45.30 a set
 - sets containing 25 to 39 weights \$ 68.00 a set
 - sets containing 40 weights or more \$113.40 a set

There will be an additional charge of \$56.70 a set for any requested declaration of the nominal values or uncertainties of the weights contained in any weight set.

- (3) For the testing or calibration of class 1, 2, 3 or 4 weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
 - sets containing less than 10 weights \$ 85.00 a set
 - sets containing 10 to 24 weights \$170.10 a set
 - sets containing 25 to 39 weights \$255.20 a set
 - sets containing 40 weights or more \$453.60 a set

- (4) For the testing or calibration of liquid measuring standards;
 - (a) measuring less than 5 gallons \$ 11.30 each
 - measuring 5 to 24 gallons \$ 22.60 each
 - measuring 25 to 49 gallons \$ 45.30 each
 - measuring 50 to 99 gallons \$ 90.70 each
 - measuring 100 to 499 gallons \$170.10 each

measuring 500 to 999 gallons	\$226.80 each
measuring 1,000 gallons or more	\$283.50 each
(b) measuring less than 20 liters	\$ 11.30 each
measuring 20 to 99 liters	\$ 22.60 each
measuring 100 to 199 liters	\$ 45.30 each
measuring 200 to 399 liters	\$ 90.70 each
measuring 400 to 1,999 liters	\$170.10 each
measuring 2,000 to 3,999 liters	\$226.80 each
measuring 4,000 liters or more	\$283.50 each

There will be an additional charge of \$11.30 per hour for any testing or calibration of any other liquid measuring standards, except that the fee to be charged for flasks, graduates, cylinders and other precision glassware will be \$28.30 for each flask, graduate, cylinder or other precision glassware, regardless of capacity.

- (5) For the testing or calibration of linear measuring devices;
 - rulers \$ 22.60 each
 - measuring tapes less than 25 feet \$ 28.30 each
 - measuring tapes 25 to 99 feet \$ 56.70 each
 - measuring tapes 100 feet or more \$113.40 each

- (6) For the testing or calibration of scales;
 - analytical scales \$ 51.00 each
 - bench scales \$ 22.60 each
 - counter scales \$ 22.60 each
 - grain test scales \$ 28.30 each
 - jeweler's scales \$ 28.30 each
 - platform scales \$ 34.00 each
 - prescription scales \$ 51.00 each
 - any other scale \$ 56.70 each))

(1) An hourly fee of fifty dollars per hour will be charged for inspection, testing and calibration services performed at the metrology laboratory.

(2) Inspection, testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of fifty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(3) There will be a minimum one-half hour charge for any services provided by the laboratory.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-675-029 Condition of submitted weights and measures.
- WAC 16-675-039 Schedule of laboratory fees.

WSR 95-17-100
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 23, 1995, 9:24 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 95-14-071.

Title of Rule: WAC 296-17-855 Experience modification, 296-17-875 Table I Primary losses for selected claim values, 296-17-880 Table II "B" and "W" values, 296-17-885 Table III Expected loss rates and D-ratios, 296-17-890 Table IV Maximum experience modifications for firms with no compensable accidents, 296-17-895 Industrial insurance

accident fund base rates and medical aid base rates by class of industry, 296-17-919 Table I Retrospective Rating Plans A, A1, A2, A3, and B, and 296-17-920 Assessment for supplemental pension fund.

Purpose: The purpose of this proposal is to establish 1996 experience rates for the 300 industry risk classifications in order to ensure the actuarial solvency of the state fund and appropriate distribution of premiums.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.16.035.

Summary: This packet proposes the 1996 rates for each industrial insurance classification and related tables and values.

Reasons Supporting Proposal: This proposal is needed to ensure actuarial solvency of the state fund.

Name of Agency Personnel Responsible for Drafting: Beth Johnson/Dennis Hoffer, Tumwater, 902-4741/902-4654; **Implementation and Enforcement:** Theres Whitmarsh/Kathy Kimbel, Tumwater, 902-4209/902-4739.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Industrial insurance rates, the purpose of this proposal is to establish 1996 experience rates for the 300 industry risk classifications in order to ensure the actuarial solvency of the state fund and appropriate distribution of premiums. There will be a 10% reduction to the base rates. Adjustments will be made to each of the individual risk classifications to accurately reflect the current loss experience associated with each industry. Experience rating and retrospective rating tables are being updated to reflect current trends in claim costs and premium rates. The anticipated effect of this rate reduction will allow for adjusting individual risk classifications to reflect current loss experience while ensuring the solvency of the state fund.

Proposal Changes the Following Existing Rules: See above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Introduction: The Insurance Services Division of the Department of Labor and Industries is proposing amendments to chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for Washington workers' compensation insurance. The department is authorized to adjust the industrial insurance rates by the legislature in RCW 51.04.020(2) and 51.16.035. Specifically, the department is mandated to adjust rates on an annual or discretionary basis in order to maintain actuarial solvency of the state fund in accordance with recognized industrial insurance principles.

Dependent upon the solvency of the industrial insurance funds, legislative mandates, past claims experience of each employer in approximately 300 risk classifications, and the condition of the general economy, the department's actuarial staff annually determines the average percentage change of the employer-paid and industry-unique workers' compensation premiums.

Workers' compensation rates are based on the frequency and severity of work-related injuries and illnesses experienced in each risk class, including the exposure (hours), industry-wide, over which these costs can be spread. Base rates are established separately for accident fund and medical-aid fund coverage in each risk classification. In addition, an assessment rate for all risk classes is prescribed for the supplemental pension fund. An experience rating plan is also a component of the system. This plan, based on the past experience of each individual employer, also adjusts industrial insurance rates.

Voluntary rating plans, referred to as retrospective rating, are available to individual employers and industry associations to provide them with additional opportunities to reduce their costs for workers' compensation coverage. Reduced costs can be achieved by employers through accident prevention and active claims management.

In accordance with chapter 19.85 RCW, Regulatory Fairness Act, the department is required to conduct an SBEIS when a proposed rule has the potential of imposing a more than minor impact on business. The department has determined that the 1996 rate changes have such a potential. Therefore, the following analysis has been conducted. However, regardless of any conclusions that may come as a result of this SBEIS analysis, the department is required by statute to adjust workers' compensation premiums. Therefore, mitigation of the economic impact of the proposed rule may not be legal or feasible, and specific involvement of small business may not be applicable.

Summary of proposed rule: The department is proposing a 10% decrease in 1996 workers' compensation premiums, including the appropriate experience-related adjustments. The proposed rule would amend chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for Washington workers' compensation insurance.

Industry analysis: In order to more accurately document the potential impact of the proposed rule, industry is documented by risk classification rather than standard industrial classification (SIC) code. Although the Regulatory Fairness Act requires the use of four-digit SIC codes in preparing an SBEIS, the department, in this case, is able to provide more accurate and informative data by analyzing the potential impact of the rate adjustments by risk classification (employers report employment, work hours and classification data directly to the department). As summarized below, 14 of approximately 300 (5%) risk classifications would adversely be impacted by the proposed rule (See Appendix-A, Economic Impact By Risk Classification for specific industry categorizations).

Number of risk classifications/industries receiving a rate increase:	14 (14/300=5%)
Number of employees affected (based on hours reported):	12,352

Cost of compliance: The department has determined that the proposed 10% reduction in overall premiums would save the average employer \$104/employee, annually.

Note: For the purposes of this analysis, an "employee" is equivalent to 2080 work hours or a FTE (full-time equivalent).

Utilizing the proposed rates, the department was able to document the actual costs and savings for all of the risk

classifications (See Appendix-A, Economic Impact By Risk Classification). As required by the Regulatory Fairness Act, Appendix-A also includes costs on a "per FTE" or "per employee" basis for each risk classification. Unfortunately, the type of information reported by employers does not allow the department to effectively evaluate the cost of compliance based on a "revenue" or "sales" basis.

Due to the fact that there are often multiple SIC codes associated with each risk class, and because the number and type of businesses within each risk classification are not readily available, the department is unable to accurately evaluate and compare the cost of large business to small business. However, since compliance costs associated with rate adjustments are based on employment, it is reasonable to assume that cost is proportionate with the size of a business (i.e., more employees equal a higher cost of compliance). Therefore, the department is of the opinion that the proposed adjustments to the workers' compensation premiums would not place a disproportionate economic impact on small business.

The department does realize that there may be slight exceptions among the impacted industries, and that some businesses may be more adversely impacted than others. However, the impact of these exceptions is indeterminate.

Involvement of small business: Involvement of small business was not necessary to conduct this SBEIS in accordance with the Regulatory Fairness Act.

Professional services: There are no requirements for additional professional services associated with rate adjustments.

Mitigation: The Regulatory Fairness Act specifically exempts departments from mitigating impacts of proposed rules in situations when mitigation is illegal or not feasible. Since the legislature mandates that workers' compensation premiums be adjusted in order to maintain the financial solvency of the state fund, mitigating the impact of the proposed rule is both illegal and not feasible.

Conclusion: In accordance with chapter 19.85 RCW, Regulatory Fairness Act, the department has evaluated the potential economic impacts related to the 1996 workers' compensation rate adjustments. This analysis further concludes that the cost of compliance for industries receiving a proposed rate increase is directly proportionate to business size (rates are calculated on a "hours worked" basis). Therefore, the impact of a rate increase would not place a disproportional economic impact on small business when compared to large business.

This analysis has been conducted in order to provide industry, industry representatives, the legislature and the department with an understanding of the potential impacts of an adjustment to the workers' compensation rates.

A copy of the statement may be obtained by writing to Kathy Kimbel, Program Manager for Policy Management Services, Department of Labor and Industries, P.O. Box 44140, Olympia, WA 98504-4140, phone (360) 902-4739, or FAX (360) 902-4729.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Under Section 201 (5)(B)(vi), rules that set rates are not subject to the provisions of the rule-making criteria. However, in this case, the department decided to voluntarily apply the rule-making criteria to rate

setting. A copy of the rule-making criteria will be furnished upon request.

Hearing Location: On October 2, at 8:00 a.m., at the Red Lion Hotel, 18740 Pacific Highway, Seattle; on October 3, at 8:00 a.m., at the Sheraton, Gifford Room, North 322 Spokane Falls Court, Spokane; on October 4, at 8:00 a.m., at the Holiday Inn, Conference Rooms A and B, 9 North 9th Street, Yakima; and on October 5, at 8:00 a.m., at the Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Olympia.

Assistance for Persons with Disabilities: Contact Dennis Hoffer, (360) 902-4654 by September 18, 1995.

Submit Written Comments to: FAX (360) 902-4729, by October 5, 1995.

Date of Intended Adoption: November 20, 1995.

August 21, 1995

Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{\text{Ap} + \text{WAe} + (1-\text{W}) \text{Ee} + \text{B}}{\text{E} + \text{B}}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~(\$9,271)~~ \$9,517 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((23,177)) \text{ } 23,793}{\text{Total loss} + ((13,906)) \text{ } 14,276} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~(\$9,271)~~ \$9,517 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim

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which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "W_{Ae}" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"E_e" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) E_e" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-875 Table I.

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
(9,271	9,271
10,553	10,000
12,562	11,000
14,930	12,000
17,764	13,000
21,215	14,000
25,510	15,000
31,002	16,000
48,351	18,000
145,175*	21,151
231,770**	21,865))
<u>9,517</u>	<u>9,517</u>
<u>10,350</u>	<u>10,000</u>
<u>12,275</u>	<u>11,000</u>
<u>14,526</u>	<u>12,000</u>
<u>17,195</u>	<u>13,000</u>
<u>20,409</u>	<u>14,000</u>
<u>24,353</u>	<u>15,000</u>
<u>29,310</u>	<u>16,000</u>
<u>44,358</u>	<u>18,000</u>

<u>133,524*</u>	<u>21,495</u>
<u>237,930**</u>	<u>22,446</u>

- * Average death value
- ** Maximum claim value

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-880 Table II.

(("B" and "W" Values

Maximum Claim Value = \$231,770
Average Death Value = \$145,175

Expected Losses	B	W	
5,021 & Under	43,730	0.00	
5,022	10,117	43,293	0.01
10,118	15,290	42,855	0.02
15,291	20,541	42,418	0.03
20,542	25,873	41,981	0.04
25,874	31,286	41,544	0.05
31,287	36,784	41,106	0.06
36,785	42,369	40,669	0.07
42,370	48,042	40,232	0.08
48,043	53,806	39,794	0.09
53,807	59,664	39,357	0.10
59,665	65,617	38,920	0.11
65,618	71,670	38,482	0.12
71,671	77,823	38,045	0.13
77,824	84,080	37,608	0.14
84,081	90,444	37,171	0.15
90,445	96,918	36,733	0.16
96,919	103,505	36,296	0.17
103,506	110,207	35,859	0.18
110,208	117,029	35,421	0.19
117,030	123,974	34,984	0.20
123,975	131,045	34,547	0.21
131,046	138,246	34,109	0.22
138,247	145,582	33,672	0.23
145,583	153,055	33,235	0.24
153,056	160,670	32,798	0.25
160,671	168,432	32,360	0.26
168,433	176,344	31,923	0.27
176,345	184,413	31,486	0.28
184,414	192,642	31,048	0.29
192,643	201,037	30,611	0.30
201,038	209,603	30,174	0.31
209,604	218,346	29,736	0.32
218,347	227,271	29,299	0.33
227,272	236,385	28,862	0.34
236,386	245,694	28,425	0.35
245,695	255,204	27,987	0.36
255,205	264,923	27,550	0.37
264,924	274,858	27,113	0.38
274,859	285,017	26,675	0.39
285,018	295,407	26,238	0.40
295,408	306,037	25,801	0.41
306,038	316,915	25,363	0.42
316,916	328,051	24,926	0.43
328,052	339,455	24,489	0.44
339,456	351,136	24,052	0.45
351,137	363,105	23,614	0.46

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<u>641,035</u>	-	<u>661,414</u>	<u>16,161</u>	<u>0.64</u>
<u>661,415</u>	-	<u>682,471</u>	<u>15,712</u>	<u>0.65</u>
<u>682,472</u>	-	<u>704,238</u>	<u>15,263</u>	<u>0.66</u>
<u>704,239</u>	-	<u>726,753</u>	<u>14,814</u>	<u>0.67</u>
<u>726,754</u>	-	<u>750,056</u>	<u>14,365</u>	<u>0.68</u>
<u>750,057</u>	-	<u>774,190</u>	<u>13,917</u>	<u>0.69</u>
<u>774,191</u>	-	<u>799,201</u>	<u>13,468</u>	<u>0.70</u>
<u>799,202</u>	-	<u>825,139</u>	<u>13,019</u>	<u>0.71</u>
<u>825,140</u>	-	<u>852,058</u>	<u>12,570</u>	<u>0.72</u>
<u>852,059</u>	-	<u>880,014</u>	<u>12,121</u>	<u>0.73</u>
<u>880,015</u>	-	<u>909,071</u>	<u>11,672</u>	<u>0.74</u>
<u>909,072</u>	-	<u>939,296</u>	<u>11,223</u>	<u>0.75</u>
<u>939,297</u>	-	<u>970,761</u>	<u>10,774</u>	<u>0.76</u>
<u>970,762</u>	-	<u>1,003,546</u>	<u>10,325</u>	<u>0.77</u>
<u>1,003,547</u>	-	<u>1,037,737</u>	<u>9,876</u>	<u>0.78</u>
<u>1,037,738</u>	-	<u>1,073,427</u>	<u>9,427</u>	<u>0.79</u>
<u>1,073,428</u>	-	<u>1,110,720</u>	<u>8,978</u>	<u>0.80</u>
<u>1,110,721</u>	-	<u>1,149,726</u>	<u>8,529</u>	<u>0.81</u>
<u>1,149,727</u>	-	<u>1,190,568</u>	<u>8,081</u>	<u>0.82</u>
<u>1,190,569</u>	-	<u>1,233,381</u>	<u>7,632</u>	<u>0.83</u>
<u>1,233,382</u>	-	<u>1,278,311</u>	<u>7,183</u>	<u>0.84</u>
<u>1,278,312</u>	-	<u>1,325,523</u>	<u>6,734</u>	<u>0.85</u>
<u>1,325,524</u>	-	<u>1,375,196</u>	<u>6,285</u>	<u>0.86</u>
<u>1,375,197</u>	-	<u>1,427,530</u>	<u>5,836</u>	<u>0.87</u>
<u>1,427,531</u>	-	<u>1,482,747</u>	<u>5,387</u>	<u>0.88</u>
<u>1,482,748</u>	-	<u>1,541,093</u>	<u>4,938</u>	<u>0.89</u>
<u>1,541,094</u>	-	<u>1,602,844</u>	<u>4,489</u>	<u>0.90</u>
<u>1,602,845</u>	-	<u>1,668,311</u>	<u>4,040</u>	<u>0.91</u>
<u>1,668,312</u>	-	<u>1,737,842</u>	<u>3,591</u>	<u>0.92</u>
<u>1,737,843</u>	-	<u>1,811,829</u>	<u>3,142</u>	<u>0.93</u>
<u>1,811,830</u>	-	<u>1,890,719</u>	<u>2,694</u>	<u>0.94</u>
<u>1,890,720</u>	-	<u>1,975,019</u>	<u>2,245</u>	<u>0.95</u>
<u>1,975,020</u>	-	<u>2,065,308</u>	<u>1,796</u>	<u>0.96</u>
<u>2,065,309</u>	-	<u>2,162,252</u>	<u>1,347</u>	<u>0.97</u>
<u>2,162,253</u>	-	<u>2,266,619</u>	<u>898</u>	<u>0.98</u>
<u>2,266,620</u>	-	<u>2,379,299</u>	<u>449</u>	<u>0.99</u>
<u>2,379,300 & Over</u>			<u>0</u>	<u>1.00</u>

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-885 Table III.

**Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year**

((Class 1991 1992 1993 D-Ratio

0101	1.1716	1.1383	1.0065	0.401
0102	1.1587	1.1262	0.9968	0.420
0103	1.3483	1.3127	1.1659	0.456
0104	1.7145	1.6640	1.4631	0.322
0105	1.2145	1.1838	1.0542	0.475
0107	1.0986	1.0673	0.9432	0.417
0108	0.9125	0.8864	0.7845	0.454
0109	3.9389	3.8219	3.3694	0.372
0201	2.2564	2.1885	1.9280	0.372
0202	2.6469	2.5768	2.2870	0.454
0206	1.7910	1.7364	1.5281	0.392
0301	0.5469	0.5349	0.4791	0.536
0302	1.7283	1.6760	1.4772	0.396
0306	0.9102	0.8859	0.7856	0.430
0307	0.6698	0.6541	0.5838	0.515

0403	1.2632	1.2309	1.0947	0.471
0502	1.1941	1.1594	1.0236	0.411
0504	1.2682	1.2322	1.0896	0.410
0506	3.9920	3.8751	3.4176	0.382
0507	2.7521	2.6765	2.3721	0.429
0508	2.7937	2.7061	2.3731	0.357
0509	1.5714	1.5279	1.3517	0.389
0510	1.2550	1.2223	1.0863	0.459
0511	1.0066	0.9816	0.8748	0.537
0512	1.4228	1.3845	1.2289	0.469
0513	0.6560	0.6389	0.5678	0.459
0514	1.2550	1.2223	1.0863	0.466
0515	2.3907	2.3193	2.0447	0.389
0516	1.2550	1.2223	1.0863	0.466
0517	1.5684	1.5293	1.3630	0.474
0518	1.4874	1.4439	1.2739	0.393
0519	1.3844	1.3512	1.2053	0.450
0601	0.6322	0.6160	0.5473	0.462
0602	0.3667	0.3577	0.3190	0.546
0603	0.7089	0.6898	0.6120	0.427
0604	1.0457	1.0216	0.9121	0.453
0606	0.2405	0.2364	0.2136	0.608
0607	0.2690	0.2640	0.2377	0.569
0608	0.2676	0.2622	0.2356	0.504
0701	2.2346	2.1587	1.8829	0.317
0803	0.3087	0.3020	0.2702	0.529
0804	0.8505	0.8272	0.7320	0.397
0901	1.4495	1.4103	1.2490	0.422
1002	0.7977	0.7789	0.6960	0.528
1003	0.5790	0.5646	0.5025	0.486
1004	0.4775	0.4658	0.4149	0.478
1005	4.4004	4.2695	3.7681	0.409
1007	0.2594	0.2537	0.2270	0.500
1101	0.4778	0.4676	0.4195	0.559
1102	1.1142	1.0842	0.9622	0.447
1103	0.4583	0.4486	0.4026	0.537
1104	0.5205	0.5102	0.4586	0.538
1106	0.2269	0.2237	0.2029	0.597
1108	0.3956	0.3881	0.3487	0.513
1109	0.6794	0.6658	0.5984	0.501
1301	0.2936	0.2873	0.2575	0.528
1303	0.1645	0.1607	0.1437	0.534
1304	0.0204	0.0200	0.0181	0.556
1305	0.3146	0.3084	0.2772	0.547
1401	0.5805	0.5678	0.5090	0.503
1404	0.5029	0.4912	0.4394	0.517
1405	0.4801	0.4699	0.4207	0.499
1501	0.3163	0.3092	0.2767	0.538
1507	0.2659	0.2607	0.2343	0.578
1701	1.5108	1.4659	1.2901	0.353
1702	1.4987	1.4550	1.2822	0.354
1703	0.3426	0.3341	0.2977	0.514
1704	0.7294	0.7106	0.6311	0.406
1801	0.8025	0.7805	0.6908	0.447
1802	0.9177	0.8942	0.7958	0.479
2002	0.5087	0.4987	0.4485	0.559
2003	0.3715	0.3644	0.3276	0.555
2004	0.5914	0.5792	0.5201	0.563
2007	0.4424	0.4334	0.3894	0.503
2008	0.2408	0.2355	0.2106	0.498
2009	0.2931	0.2874	0.2587	0.557
2101	0.5748	0.5618	0.5024	0.467

2102	0.3989	0.3913	0.3520	0.570	4109	0.1906	0.1870	0.1683	0.568
2104	0.2663	0.2617	0.2362	0.590	4201	0.2573	0.2510	0.2239	0.535
2105	0.4877	0.4756	0.4242	0.545	4301	0.7303	0.7152	0.6417	0.540
2106	0.3386	0.3316	0.2974	0.531	4302	0.5963	0.5811	0.5183	0.546
2201	0.2179	0.2131	0.1910	0.512	4304	0.5405	0.5297	0.4761	0.561
2202	0.5094	0.4999	0.4508	0.607	4305	0.8920	0.8691	0.7735	0.513
2203	0.2724	0.2674	0.2408	0.571	4401	0.4679	0.4578	0.4101	0.480
2401	0.4003	0.3925	0.3530	0.532	4402	0.5747	0.5638	0.5073	0.567
2903	0.5991	0.5873	0.5281	0.555	4404	0.3728	0.3654	0.3283	0.567
2904	0.6458	0.6319	0.5665	0.528	4501	0.1245	0.1221	0.1097	0.515
2905	0.4666	0.4579	0.4127	0.585	4502	0.0377	0.0370	0.0333	0.540
2906	0.3164	0.3091	0.2759	0.506	4504	0.0788	0.0778	0.0707	0.629
2907	0.4402	0.4313	0.3879	0.591	4601	0.5748	0.5635	0.5067	0.528
2908	0.8617	0.8428	0.7548	0.534	4802	0.2316	0.2268	0.2034	0.557
2909	0.5088	0.4988	0.4487	0.568	4803	0.2117	0.2084	0.1888	0.580
3101	0.7210	0.7023	0.6242	0.444	4804	0.4798	0.4715	0.4259	0.587
3102	0.3020	0.2962	0.2666	0.586	4805	0.2810	0.2757	0.2480	0.524
3103	0.6505	0.6342	0.5647	0.466	4806	0.0670	0.0657	0.0591	0.512
3104	0.4495	0.4389	0.3919	0.522	4808	0.4351	0.4257	0.3816	0.492
3105	0.7925	0.7738	0.6905	0.479	4809	0.2187	0.2149	0.1943	0.626
3303	0.2095	0.2055	0.1846	0.526	4810	0.1404	0.1381	0.1247	0.598
3304	0.5176	0.5078	0.4572	0.572	4811	0.2351	0.2310	0.2083	0.576
3309	0.3953	0.3882	0.3505	0.522	4812	0.3306	0.3234	0.2898	0.544
3401	0.3522	0.3445	0.3084	0.517	4813	0.2346	0.2299	0.2065	0.501
3402	0.4279	0.4183	0.3742	0.523	4901	0.0415	0.0407	0.0365	0.553
3403	0.1994	0.1950	0.1741	0.458	4902	0.0511	0.0501	0.0450	0.572
3404	0.3897	0.3823	0.3441	0.558	4903	0.0415	0.0407	0.0365	0.553
3405	0.2782	0.2722	0.2437	0.543	4904	0.0219	0.0215	0.0195	0.577
3406	0.2207	0.2167	0.1952	0.542	4905	0.2364	0.2330	0.2114	0.629
3407	0.3015	0.2951	0.2648	0.560	4906	0.0654	0.0642	0.0578	0.582
3408	0.0823	0.0806	0.0722	0.534	4907	0.0578	0.0566	0.0508	0.533
3409	0.0852	0.0837	0.0754	0.561	4908	0.0973	0.0968	0.0888	0.604
3410	0.1847	0.1818	0.1647	0.591	4909	0.0973	0.0968	0.0888	0.604
3501	0.8308	0.8101	0.7216	0.440	4910	0.3699	0.3630	0.3267	0.524
3503	0.2755	0.2717	0.2471	0.570	5001	4.2988	4.1695	3.6734	0.367
3506	0.7037	0.6851	0.6086	0.496	5002	0.4527	0.4428	0.3969	0.564
3509	0.3803	0.3733	0.3370	0.640	5003	1.4123	1.3699	1.2073	0.383
3510	0.3861	0.3788	0.3412	0.579	5004	1.7389	1.6958	1.5094	0.461
3511	0.5418	0.5305	0.4762	0.541	5005	1.1716	1.1383	1.0065	0.407
3512	0.3507	0.3451	0.3122	0.582	5101	0.6891	0.6758	0.6091	0.607
3602	0.0989	0.0973	0.0880	0.575	5103	0.7122	0.6976	0.6264	0.548
3603	0.3457	0.3401	0.3075	0.567	5106	0.5319	0.5222	0.4702	0.525
3604	1.2996	1.2699	1.1362	0.541	5108	0.5925	0.5786	0.5168	0.524
3605	0.4145	0.4055	0.3635	0.544	5109	0.5715	0.5578	0.4974	0.503
3701	0.2537	0.2484	0.2227	0.508	5201	0.2998	0.2933	0.2626	0.532
3702	0.4848	0.4747	0.4258	0.555	5204	0.8676	0.8474	0.7567	0.499
3707	0.4535	0.4447	0.4005	0.488	5206	0.4427	0.4316	0.3837	0.437
3708	0.3020	0.2962	0.2666	0.586	5207	0.1307	0.1290	0.1172	0.648
3801	0.2304	0.2255	0.2020	0.524	5208	0.8474	0.8282	0.7397	0.485
3802	0.1772	0.1739	0.1568	0.573	5209	0.6063	0.5943	0.5347	0.557
3808	0.2682	0.2624	0.2350	0.502	5301	0.0254	0.0250	0.0225	0.587
3901	0.1623	0.1597	0.1443	0.604	5305	0.0379	0.0372	0.0336	0.594
3902	0.3903	0.3835	0.3462	0.598	5306	0.0393	0.0386	0.0348	0.551
3903	1.0550	1.0360	0.9331	0.510	5307	0.2893	0.2830	0.2535	0.553
3905	0.1472	0.1452	0.1320	0.623	6103	0.0538	0.0531	0.0484	0.639
3906	0.4694	0.4597	0.4129	0.527	6104	0.2271	0.2230	0.2012	0.575
3909	0.2006	0.1971	0.1779	0.571	6105	0.1695	0.1663	0.1497	0.555
4002	0.6497	0.6338	0.5663	0.560	6107	0.1240	0.1220	0.1103	0.572
4101	0.1906	0.1870	0.1683	0.568	6108	0.4589	0.4507	0.4067	0.582
4103	0.2220	0.2186	0.1981	0.660	6109	0.0509	0.0500	0.0450	0.573
4107	0.1217	0.1196	0.1079	0.555	6110	0.4171	0.4085	0.3670	0.563
4108	0.1750	0.1716	0.1544	0.550	6201	0.2029	0.1988	0.1785	0.543

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6202	0.5090	0.4976	0.4448	0.477
6203	0.0756	0.0745	0.0675	0.639
6204	0.1676	0.1650	0.1493	0.582
6205	0.1676	0.1650	0.1493	0.582
6206	0.1676	0.1650	0.1493	0.582
6207	1.0483	1.0340	0.9391	0.589
6208	0.2470	0.2435	0.2206	0.603
6209	0.2123	0.2090	0.1891	0.608
6301	0.1092	0.1068	0.0955	0.462
6302	0.1477	0.1448	0.1301	0.471
6303	0.0580	0.0569	0.0512	0.540
6304	0.1488	0.1470	0.1336	0.613
6305	0.0641	0.0630	0.0570	0.576
6306	0.2371	0.2327	0.2096	0.568
6308	0.0426	0.0418	0.0376	0.573
6309	0.1183	0.1164	0.1053	0.592
6402	0.2516	0.2468	0.2222	0.580
6403	0.1847	0.1818	0.1647	0.591
6404	0.1358	0.1339	0.1216	0.611
6405	0.4812	0.4713	0.4231	0.530
6406	0.0739	0.0728	0.0659	0.596
6407	0.1814	0.1782	0.1606	0.566
6408	0.3123	0.3064	0.2759	0.585
6409	0.4379	0.4281	0.3826	0.523
6410	0.1415	0.1389	0.1252	0.550
6501	0.0822	0.0807	0.0729	0.611
6502	0.0242	0.0238	0.0215	0.574
6503	0.0614	0.0599	0.0532	0.450
6504	0.3728	0.3674	0.3334	0.582
6505	0.0899	0.0886	0.0801	0.544
6506	0.0648	0.0639	0.0579	0.549
6508	0.3273	0.3210	0.2890	0.551
6509	0.1899	0.1870	0.1694	0.600
6601	0.1775	0.1747	0.1581	0.583
6602	0.4225	0.4142	0.3726	0.537
6603	0.2526	0.2480	0.2236	0.570
6604	0.0564	0.0553	0.0498	0.496
6605	0.3227	0.3180	0.2886	0.666
6607	0.1472	0.1452	0.1320	0.629
6608	0.2632	0.2564	0.2280	0.467
6620	0.4750	0.4687	0.4265	0.710
6704	0.1243	0.1221	0.1099	0.562
6705	0.7102	0.6990	0.6331	0.632
6706	0.3613	0.3558	0.3218	0.565
6707	1.5670	1.5425	1.3974	0.624
6708	4.2480	4.1912	3.8006	0.496
6709	0.1744	0.1723	0.1568	0.634
6801	0.2258	0.2212	0.1986	0.569
6802	0.3183	0.3140	0.2850	0.628
6803	1.0236	0.9861	0.8519	0.673
6804	0.1728	0.1696	0.1526	0.599
6809	3.7870	3.7668	3.4561	0.655
6901	0.0241	0.0244	0.0230	0.667
6902	0.6699	0.6498	0.5727	0.382
6903	3.6264	3.5363	3.1282	0.337
6904	0.1953	0.1913	0.1719	0.584
6905	0.2281	0.2240	0.2016	0.564
6906	0.1105	0.1121	0.1057	0.674
6907	1.0315	1.0069	0.8994	0.495
6908	0.3593	0.3519	0.3159	0.569
6909	0.0790	0.0776	0.0701	0.611
7101	0.0291	0.0286	0.0257	0.513

7102	3.4134	3.3901	3.1079	0.591
7103	0.2573	0.2515	0.2250	0.512
7104	0.0234	0.0230	0.0208	0.557
7105	0.0264	0.0259	0.0233	0.545
7106	0.1560	0.1527	0.1368	0.503
7107	0.2302	0.2252	0.2018	0.528
7108	0.1986	0.1953	0.1765	0.587
7109	0.2497	0.2454	0.2215	0.560
7110	0.3103	0.3029	0.2702	0.489
7111	0.4397	0.4303	0.3859	0.519
7112	0.5780	0.5648	0.5046	0.494
7113	0.6402	0.6245	0.5561	0.486
7114	0.6399	0.6311	0.5728	0.625
7115	0.5111	0.4997	0.4468	0.509
7116	0.5579	0.5446	0.4862	0.478
7117	1.4186	1.3931	1.2588	0.538
7118	2.6490	2.5919	2.3190	0.530
7119	1.6583	1.6195	1.4458	0.502
7120	5.1299	5.0196	4.4883	0.443
7121	5.3160	5.1944	4.6382	0.454
7201	0.7814	0.7617	0.6794	0.527
7202	0.0456	0.0447	0.0402	0.522
7203	0.1157	0.1144	0.1040	0.562
7204	0.0000	0.0000	0.0000	0.667
7301	0.5434	0.5310	0.4748	0.382
7302	0.6012	0.5902	0.5320	0.544
7307	0.6164	0.6046	0.5441	0.539
7308	0.2032	0.2003	0.1814	0.577
7309	0.1744	0.1723	0.1568	0.631))

Class	1991	1992	1993	D-Ratio
0101	1.1989	1.0752	0.9885	0.398
0102	1.2669	1.1374	1.0465	0.425
0103	1.5214	1.3659	1.2576	0.457
0104	1.7115	1.5300	1.4001	0.339
0105	1.2527	1.1293	1.0413	0.476
0107	1.1592	1.0384	0.9544	0.428
0108	0.8302	0.7458	0.6867	0.455
0109	3.4617	3.0918	2.8359	0.384
0201	2.8121	2.5152	2.3078	0.359
0202	2.9836	2.6736	2.4572	0.440
0206	1.6044	1.4330	1.3142	0.394
0301	0.6061	0.5490	0.5070	0.519
0302	1.8073	1.6143	1.4807	0.374
0306	0.8818	0.7931	0.7300	0.454
0307	0.6904	0.6234	0.5750	0.508
0403	1.4108	1.2710	1.1708	0.455
0502	1.2405	1.1111	1.0209	0.415
0504	1.3263	1.1890	1.0932	0.410
0506	4.1578	3.7193	3.4136	0.390
0507	3.0705	2.7609	2.5423	0.427
0508	3.0159	2.6868	2.4589	0.360
0509	1.5651	1.4016	1.2869	0.396
0510	1.2750	1.1469	1.0564	0.461
0511	0.9657	0.8718	0.8044	0.536
0512	1.5555	1.3976	1.2862	0.448
0513	0.6610	0.5942	0.5471	0.460
0514	1.2750	1.1469	1.0564	0.469
0515	2.5374	2.2693	2.0844	0.402
0516	1.2750	1.1469	1.0564	0.469
0517	1.5296	1.3804	1.2740	0.496
0518	1.4257	1.2770	1.1732	0.410

4805	0.2855	0.2590	0.2390	0.517	6402	0.2604	0.2367	0.2190	0.585
4806	0.0597	0.0543	0.0501	0.527	6403	0.1925	0.1758	0.1628	0.586
4808	0.4074	0.3681	0.3395	0.484	6404	0.1402	0.1283	0.1188	0.598
4809	0.2264	0.2064	0.1912	0.616	6405	0.5233	0.4739	0.4375	0.526
4810	0.1376	0.1257	0.1164	0.597	6406	0.0802	0.0733	0.0678	0.603
4811	0.2340	0.2131	0.1970	0.566	6407	0.1896	0.1727	0.1597	0.576
4812	0.2928	0.2656	0.2453	0.544	6408	0.3144	0.2858	0.2645	0.596
4813	0.2128	0.1933	0.1787	0.516	6409	0.4715	0.4266	0.3934	0.503
4901	0.0443	0.0402	0.0371	0.554	6410	0.1488	0.1355	0.1253	0.565
4902	0.0579	0.0525	0.0486	0.580	6501	0.0876	0.0798	0.0740	0.630
4903	0.0443	0.0402	0.0371	0.554	6502	0.0254	0.0231	0.0214	0.560
4904	0.0234	0.0214	0.0198	0.629	6503	0.0616	0.0555	0.0511	0.476
4905	0.2407	0.2204	0.2043	0.638	6504	0.3832	0.3504	0.3244	0.577
4906	0.0704	0.0640	0.0591	0.575	6505	0.0934	0.0853	0.0787	0.532
4907	0.0583	0.0529	0.0488	0.535	6506	0.0738	0.0674	0.0622	0.546
4908	0.1001	0.0926	0.0857	0.621	6508	0.3274	0.2978	0.2754	0.552
4909	0.0494	0.0457	0.0422	0.605	6509	0.2221	0.2027	0.1877	0.575
4910	0.3591	0.3264	0.3016	0.531	6601	0.1758	0.1605	0.1485	0.588
5001	3.8664	3.4557	3.1723	0.380	6602	0.4176	0.3793	0.3506	0.536
5002	0.4531	0.4105	0.3795	0.562	6603	0.2678	0.2434	0.2250	0.564
5003	1.3737	1.2299	1.1302	0.395	6604	0.0591	0.0538	0.0496	0.500
5004	1.5457	1.3982	1.2898	0.481	6605	0.3070	0.2812	0.2607	0.657
5005	1.1989	1.0752	0.9885	0.398	6607	0.1453	0.1330	0.1232	0.642
5101	0.6854	0.6241	0.5783	0.613	6608	0.2645	0.2385	0.2199	0.483
5103	0.6265	0.5703	0.5278	0.587	6620	0.6389	0.5856	0.5443	0.723
5106	0.6261	0.5689	0.5251	0.523	6704	0.1213	0.1104	0.1021	0.585
5108	0.5557	0.5025	0.4636	0.518	6705	0.7477	0.6844	0.6343	0.635
5109	0.5730	0.5170	0.4763	0.487	6706	0.3598	0.3287	0.3039	0.571
5201	0.2934	0.2656	0.2452	0.541	6707	1.5575	1.4226	1.3179	0.614
5204	0.9101	0.8225	0.7582	0.487	6708	5.4435	4.9745	4.5904	0.463
5206	0.4570	0.4117	0.3790	0.456	6709	0.1747	0.1601	0.1485	0.653
5207	0.1392	0.1277	0.1183	0.645	6801	0.2259	0.2050	0.1894	0.578
5208	0.8143	0.7360	0.6785	0.499	6802	0.3577	0.3275	0.3031	0.633
5209	0.6304	0.5717	0.5284	0.546	6803	0.8188	0.7254	0.6602	0.310
5301	0.0275	0.0251	0.0232	0.587	6804	0.1775	0.1615	0.1494	0.619
5305	0.0389	0.0355	0.0328	0.617	6809	3.9144	3.6146	3.3450	0.623
5306	0.0447	0.0407	0.0376	0.544	6901	0.0288	0.0272	0.0252	0.644
5307	0.2933	0.2656	0.2456	0.560	6902	0.7234	0.6462	0.5928	0.376
6103	0.0582	0.0534	0.0495	0.638	6903	3.5890	3.2206	2.9440	0.348
6104	0.2250	0.2052	0.1900	0.588	6904	0.2052	0.1862	0.1722	0.587
6105	0.1732	0.1573	0.1454	0.546	6905	0.2402	0.2184	0.2018	0.579
6107	0.1166	0.1065	0.0984	0.587	6906	0.1168	0.1105	0.1025	0.679
6108	0.4487	0.4089	0.3784	0.578	6907	1.0225	0.9243	0.8540	0.521
6109	0.0581	0.0527	0.0487	0.545	6908	0.3749	0.3407	0.3151	0.580
6110	0.4214	0.3827	0.3541	0.571	6909	0.0847	0.0773	0.0716	0.603
6201	0.2410	0.2182	0.2013	0.512	7101	0.0294	0.0267	0.0246	0.505
6202	0.5339	0.4834	0.4458	0.480	7102	3.5471	3.2740	3.0318	0.590
6203	0.0778	0.0712	0.0660	0.657	7103	0.2690	0.2431	0.2244	0.502
6204	0.1777	0.1622	0.1502	0.611	7104	0.0245	0.0224	0.0207	0.552
6205	0.1777	0.1622	0.1502	0.611	7105	0.0265	0.0241	0.0223	0.565
6206	0.1777	0.1622	0.1502	0.611	7106	0.1503	0.1361	0.1256	0.507
6207	1.1415	1.0463	0.9691	0.585	7107	0.2441	0.2214	0.2046	0.532
6208	0.2490	0.2281	0.2108	0.587	7108	0.1971	0.1801	0.1667	0.613
6209	0.2283	0.2085	0.1928	0.587	7109	0.2064	0.1882	0.1739	0.565
6301	0.1145	0.1034	0.0952	0.467	7110	0.3205	0.2891	0.2665	0.476
6302	0.1486	0.1350	0.1245	0.493	7111	0.4442	0.4027	0.3722	0.517
6303	0.0645	0.0586	0.0541	0.515	7112	0.5802	0.5250	0.4844	0.514
6304	0.1607	0.1471	0.1362	0.602	7113	0.5978	0.5394	0.4968	0.487
6305	0.0678	0.0618	0.0571	0.579	7114	0.6635	0.6071	0.5620	0.604
6306	0.2470	0.2248	0.2080	0.589	7115	0.5073	0.4597	0.4243	0.534
6308	0.0454	0.0413	0.0381	0.560	7116	0.5244	0.4742	0.4374	0.484
6309	0.1246	0.1137	0.1051	0.583	7117	1.2706	1.1577	1.0725	0.547

7118	2.4711	2.2381	2.0637	0.528
7119	1.7427	1.5751	1.4531	0.513
7120	5.1841	4.6913	4.3196	0.453
7121	5.4012	4.8810	4.4974	0.463
7201	0.8908	0.8030	0.7419	0.518
7202	0.0477	0.0433	0.0400	0.516
7203	0.1174	0.1076	0.0994	0.567
7204	0.0000	0.0000	0.0000	0.644
7301	0.5072	0.4590	0.4241	0.525
7302	0.5870	0.5344	0.4939	0.538
7307	0.6025	0.5484	0.5069	0.552
7308	0.2174	0.1991	0.1843	0.608
7309	0.1747	0.1601	0.1485	0.653

3,182	-	3,417	0.84
3,418	-	3,674	0.83
3,675	-	3,953	0.82
3,954	-	4,258	0.81
4,259	-	4,590	0.80
4,591	-	4,953	0.79
4,954	-	5,349	0.78
5,350	-	5,784	0.77
5,785	-	6,260	0.76
6,261	-	6,782	0.75
6,783	-	7,356	0.74
7,357	-	7,987	0.73
7,988	-	8,682	0.72
8,683	-	9,449	0.71
9,450	-	10,296	0.70
10,297	-	11,233	0.69
11,234	-	12,271	0.68
12,272	-	13,423	0.67
13,424	-	14,702	0.66
14,703	-	16,127	0.65
16,128	-	17,714	0.64
17,715	-	19,487	0.63
19,488	-	21,471	0.62
21,472	-	23,694	0.61
23,695 & Over			0.60

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Range	Maximum Experience Modification
(2,194 & Under	0.90
2,195	0.89
2,348	0.88
2,514	0.87
2,694	0.86
2,888	0.85
3,100	0.84
3,330	0.83
3,580	0.82
3,852	0.81
4,149	0.80
4,472	0.79
4,826	0.78
5,212	0.77
5,635	0.76
6,099	0.75
6,607	0.74
7,166	0.73
7,781	0.72
8,458	0.71
9,205	0.70
10,031	0.69
10,943	0.68
11,954	0.67
13,076	0.66
14,323	0.65
15,710	0.64
17,257	0.63
18,984	0.62
20,916	0.61
23,082 & Over	0.60
2,252 & Under	0.90
2,253	0.89
2,410	0.88
2,581	0.87
2,765	0.86
2,965	0.85

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective January 1, 1995

Class	Accident Fund	Medical Aid Fund
0101	1.4247	0.7373
0102	1.4036	0.7403
0103	1.5749	0.9287
0104	2.1193	0.9992
0105	1.3778	0.8837
0107	1.3542	0.6754
0108	1.1318	0.5640
0109	4.8977	2.3380
0201	2.8359	1.3093
0202	3.1142	1.7970
0206	2.3064	0.9900
0301	0.5840	0.4420
0302	2.2016	0.9871
0306	1.0725	0.6118
0307	0.7472	0.5053
0403	1.4548	0.8948
0502	1.4856	0.7179
0504	1.5477	0.7952
0506	4.9474	2.3894
0507	3.2863	1.8121
0508	3.6764	1.4328
0509	1.8642	1.0266
0510	1.4603	0.8730

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0511	1.1705	0.7171	2903	0.5996	0.5261
0512	1.7015	0.9476	2904	0.6717	0.5376
0513	0.7639	0.4560	2905	0.4554	0.4236
0514	1.4603	0.8730	2906	0.3463	0.2433
0515	3.0165	1.3890	2907	0.4528	0.3786
0516	1.4603	0.8730	2908	0.9163	0.6985
0517	1.7552	1.1660	2909	0.5090	0.4478
0518	1.8547	0.8859	3101	0.8246	0.5118
0519	1.4948	1.0730	3102	0.3018	0.2675
0601	0.7351	0.4394	3103	0.7326	0.4765
0602	0.4245	0.2643	3104	0.4991	0.3420
0603	0.8327	0.4803	3105	0.8640	0.6104
0604	1.1062	0.8315	3303	0.2050	0.1860
0606	0.2259	0.2280	3304	0.5104	0.4638
0607	0.2639	0.2420	3309	0.3567	0.3835
0608	0.2607	0.2385	3401	0.3730	0.2856
0701	3.0988	0.9681	3402	0.4618	0.3392
0803	0.3300	0.2472	3403	0.2098	0.1594
0804	1.0070	0.5585	3404	0.3829	0.3492
0901	1.7204	0.9548	3405	0.2973	0.2240
1002	0.8876	0.6087	3406	0.2095	0.2037
1003	0.6622	0.4160	3407	0.3154	0.2514
1004	0.5366	0.3517	3408	0.0858	0.0684
1005	5.5279	2.6017	3409	0.0805	0.0795
1007	0.2735	0.2102	3410	0.1630	0.1850
1101	0.5055	0.3939	3501	0.9162	0.6234
1102	1.3193	0.7504	3503	0.2179	0.3004
1103	0.4719	0.3878	3506	0.8400	0.4726
1104	0.5174	0.4580	3509	0.3784	0.3445
1106	0.1917	0.2353	3510	0.3804	0.3468
1108	0.3817	0.3549	3511	0.5547	0.4611
1109	0.6580	0.6093	3512	0.3124	0.3473
1301	0.3067	0.2433	3602	0.0878	0.0979
1303	0.1809	0.1273	3603	0.3090	0.3405
1304	0.0191	0.0192	3604	1.4196	1.0199
1305	0.3136	0.2764	3605	0.4376	0.3403
1401	0.5977	0.4867	3701	0.2589	0.2143
1404	0.5441	0.3971	3702	0.5058	0.4041
1405	0.4960	0.3980	3707	0.4213	0.4248
1501	0.3419	0.2511	3708	0.3018	0.2675
1507	0.2700	0.2301	3801	0.2406	0.1899
1701	1.8890	0.8741	3802	0.1703	0.1630
1702	1.8402	0.9019	3808	0.2775	0.2228
1703	0.3927	0.2480	3901	0.1497	0.1564
1704	0.8206	0.5239	3902	0.3707	0.3656
1801	0.9765	0.5094	3903	0.9734	0.9930
1802	1.0560	0.6538	3905	0.1221	0.1558
2002	0.5074	0.4484	3906	0.4725	0.4064
2003	0.3687	0.3282	3909	0.1862	0.1907
2004	0.6109	0.5011	4002	0.7430	0.4815
2007	0.4334	0.3924	4101	0.1880	0.1702
2008	0.2547	0.1940	4103	0.2042	0.2174
2009	0.2885	0.2619	4107	0.1125	0.1156
2101	0.5997	0.4686	4108	0.1709	0.1571
2102	0.3973	0.3524	4109	0.1880	0.1702
2104	0.2512	0.2505	4201	0.2950	0.1876
2105	0.5644	0.3520	4301	0.7507	0.6176
2106	0.3466	0.2868	4302	0.6962	0.4263
2201	0.2263	0.1810	4304	0.5467	0.4694
2202	0.5022	0.4612	4305	1.0465	0.6225
2203	0.2657	0.2462	4401	0.4751	0.3958
2401	0.3912	0.3576	4402	0.5684	0.5111

4404	0.3805	0.3202	6301	0.1138	0.0890
4501	0.1215	0.1107	6302	0.1396	0.1340
4502	0.0357	0.0348	6303	0.0565	0.0520
4504	0.0651	0.0836	6304	0.1194	0.1612
4601	0.5618	0.5140	6305	0.0580	0.0625
4802	0.2423	0.1926	6306	0.2297	0.2159
4803	0.1852	0.2134	6308	0.0423	0.0378
4804	0.4477	0.4568	6309	0.1062	0.1166
4805	0.2697	0.2552	6402	0.2509	0.2234
4806	0.0640	0.0608	6403	0.1630	0.1850
4808	0.4447	0.3670	6404	0.1142	0.1418
4809	0.2069	0.2074	6405	0.4876	0.4130
4810	0.1310	0.1339	6406	0.0648	0.0743
4811	0.2220	0.2198	6407	0.1722	0.1682
4812	0.3509	0.2693	6408	0.3081	0.2800
4813	0.2294	0.2083	6409	0.4746	0.3434
4901	0.0425	0.0352	6410	0.1341	0.1312
4902	0.0523	0.0439	6501	0.0784	0.0771
4903	0.0425	0.0352	6502	0.0217	0.0239
4904	0.0199	0.0212	6503	0.0704	0.0432
4905	0.2055	0.2419	6504	0.3116	0.3900
4906	0.0653	0.0579	6505	0.0765	0.0915
4907	0.0591	0.0492	6506	0.0540	0.0673
4908	0.0566	0.1256	6508	0.3196	0.2953
4909	0.0566	0.1256	6509	0.1682	0.1901
4910	0.3546	0.3376	6601	0.1567	0.1774
5001	5.4002	2.4976	6602	0.4142	0.3776
5002	0.4857	0.3662	6603	0.2415	0.2331
5003	1.7809	0.8190	6604	0.0534	0.0515
5004	1.9548	1.2729	6605	0.2877	0.3259
5005	1.4247	0.7373	6607	0.1221	0.1558
5101	0.6909	0.6139	6608	0.3038	0.1856
5103	0.7281	0.6080	6614	283.6400**	238.0000**
5106	0.4999	0.4931	6615	211.8800**	176.7600**
5108	0.6571	0.4522	6616	28.1200**	23.5200**
5109	0.6402	0.4258	6617	21.0400**	17.6000**
5201	0.3193	0.2418	6618	80.8000**	67.8400**
5204	0.9478	0.6700	6620	0.4168	0.4917
5206	0.4986	0.3201	6704	0.1198	0.1136
5207	0.1095	0.1380	6705	0.6471	0.6985
5208	0.9067	0.6688	6706	0.3150	0.3623
5209	0.6024	0.5372	6707	11.30*	12.44*
5301	0.0243	0.0236	6708	3.2570	4.6300
5305	0.0355	0.0358	6709	0.1409	0.1887
5306	0.0373	0.0363	6801	0.2333	0.1910
5307	0.3117	0.2321	6802	0.2705	0.3299
6103	0.0432	0.0586	6803	1.5385	0.3053
6104	0.2141	0.2131	6804	0.1744	0.1513
6105	0.1651	0.1532	6809	2.3520	4.7838
6107	0.1105	0.1219	6901	0.0000	0.0451
6108	0.4371	0.4279	6902	0.8429	0.3895
6109	0.0496	0.0462	6903	4.0311	2.5499
6110	0.4285	0.3568	6904	0.2030	0.1654
6201	0.2063	0.1740	6905	0.2207	0.2068
6202	0.5354	0.4104	6906	0.0000	0.2068
6203	0.0679	0.0753	6907	1.1267	0.7995
6204	0.1487	0.1666	6908	0.3739	0.3020
6205	0.1487	0.1666	6909	0.0745	0.0746
6206	0.1487	0.1666	7101	0.0282	0.0263
6207	0.8573	1.1159	7102	16.58*	34.60*
6208	0.2130	0.2517	7103	0.2755	0.2056
6209	0.1912	0.2094	7104	0.0203	0.0236

PROPOSED

PROPOSED

7105	0.0254	0.0239
7106	0.1604	0.1305
7107	0.2408	0.1905
7108	0.1819	0.1916
7109	0.2304	0.2379
7110	0.3427	0.2354
7111	0.4518	0.3710
7112	0.6218	0.4554
7113	0.7251	0.4661
7114	0.5450	0.6637
7115	0.5451	0.4083
7116	0.6058	0.4331
7117	1.2826	1.3809
7118	2.8220	2.1272
7119	1.8203	1.2733
7120	5.1898	4.2887
7121	5.6092	4.2428
7201	0.9038	0.5638
7202	0.0443	0.0410
7203	0.0877	0.1286
7204	0.0000	0.0000
7301	0.5781	0.4354
7302	0.5665	0.5611
7307	0.5996	0.5560
7308	0.1744	0.2070
7309	0.1409	0.1887))

Base Rates Effective
January 1, 1996

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
<u>0101</u>	<u>1.4172</u>	<u>0.5715</u>
<u>0102</u>	<u>1.4854</u>	<u>0.6170</u>
<u>0103</u>	<u>1.8132</u>	<u>0.7254</u>
<u>0104</u>	<u>2.0801</u>	<u>0.7529</u>
<u>0105</u>	<u>1.3798</u>	<u>0.6819</u>
<u>0107</u>	<u>1.4288</u>	<u>0.5140</u>
<u>0108</u>	<u>0.9758</u>	<u>0.4055</u>
<u>0109</u>	<u>4.3956</u>	<u>1.4176</u>
<u>0201</u>	<u>3.4169</u>	<u>1.2550</u>
<u>0202</u>	<u>3.6615</u>	<u>1.3351</u>
<u>0206</u>	<u>2.0484</u>	<u>0.6502</u>
<u>0301</u>	<u>0.6195</u>	<u>0.3680</u>
<u>0302</u>	<u>2.2865</u>	<u>0.7455</u>
<u>0306</u>	<u>1.0155</u>	<u>0.4454</u>
<u>0307</u>	<u>0.7527</u>	<u>0.3840</u>
<u>0403</u>	<u>1.5550</u>	<u>0.7622</u>
<u>0502</u>	<u>1.5176</u>	<u>0.5555</u>
<u>0504</u>	<u>1.5926</u>	<u>0.6164</u>
<u>0506</u>	<u>5.1355</u>	<u>1.8101</u>
<u>0507</u>	<u>3.4887</u>	<u>1.5784</u>
<u>0508</u>	<u>3.9724</u>	<u>1.1176</u>
<u>0509</u>	<u>1.8942</u>	<u>0.7103</u>
<u>0510</u>	<u>1.4694</u>	<u>0.6454</u>
<u>0511</u>	<u>1.0721</u>	<u>0.5259</u>
<u>0512</u>	<u>1.8231</u>	<u>0.7620</u>
<u>0513</u>	<u>0.7743</u>	<u>0.3254</u>
<u>0514</u>	<u>1.4694</u>	<u>0.6454</u>
<u>0515</u>	<u>3.1835</u>	<u>1.0775</u>
<u>0516</u>	<u>1.4694</u>	<u>0.6454</u>
<u>0517</u>	<u>1.6642</u>	<u>0.8519</u>

<u>0518</u>	<u>1.7432</u>	<u>0.6389</u>
<u>0519</u>	<u>1.6574</u>	<u>0.8660</u>
<u>0601</u>	<u>0.6904</u>	<u>0.3315</u>
<u>0602</u>	<u>0.4142</u>	<u>0.2003</u>
<u>0603</u>	<u>1.0539</u>	<u>0.4178</u>
<u>0604</u>	<u>1.2062</u>	<u>0.6635</u>
<u>0606</u>	<u>0.2494</u>	<u>0.1791</u>
<u>0607</u>	<u>0.2704</u>	<u>0.1837</u>
<u>0608</u>	<u>0.2834</u>	<u>0.1929</u>
<u>0701</u>	<u>2.8143</u>	<u>0.6631</u>
<u>0803</u>	<u>0.3385</u>	<u>0.1885</u>
<u>0804</u>	<u>1.0371</u>	<u>0.4216</u>
<u>0901</u>	<u>1.6607</u>	<u>0.7050</u>
<u>1002</u>	<u>0.7664</u>	<u>0.4244</u>
<u>1003</u>	<u>0.7456</u>	<u>0.3635</u>
<u>1004</u>	<u>0.5326</u>	<u>0.2664</u>
<u>1005</u>	<u>6.5179</u>	<u>2.2936</u>
<u>1007</u>	<u>0.3419</u>	<u>0.1720</u>
<u>1101</u>	<u>0.5148</u>	<u>0.3196</u>
<u>1102</u>	<u>1.2942</u>	<u>0.5709</u>
<u>1103</u>	<u>0.5178</u>	<u>0.3014</u>
<u>1104</u>	<u>0.4510</u>	<u>0.3173</u>
<u>1106</u>	<u>0.2010</u>	<u>0.1785</u>
<u>1108</u>	<u>0.3764</u>	<u>0.2618</u>
<u>1109</u>	<u>0.6371</u>	<u>0.4659</u>
<u>1301</u>	<u>0.3563</u>	<u>0.2224</u>
<u>1303</u>	<u>0.1687</u>	<u>0.0933</u>
<u>1304</u>	<u>0.0194</u>	<u>0.0143</u>
<u>1305</u>	<u>0.3498</u>	<u>0.2279</u>
<u>1401</u>	<u>0.5856</u>	<u>0.3604</u>
<u>1404</u>	<u>0.5199</u>	<u>0.2839</u>
<u>1405</u>	<u>0.4696</u>	<u>0.2892</u>
<u>1501</u>	<u>0.3728</u>	<u>0.2062</u>
<u>1507</u>	<u>0.2707</u>	<u>0.1773</u>
<u>1701</u>	<u>1.8836</u>	<u>0.6601</u>
<u>1702</u>	<u>1.9135</u>	<u>0.7256</u>
<u>1703</u>	<u>0.3517</u>	<u>0.1739</u>
<u>1704</u>	<u>0.7873</u>	<u>0.3885</u>
<u>1801</u>	<u>0.9288</u>	<u>0.4103</u>
<u>1802</u>	<u>1.1467</u>	<u>0.4951</u>
<u>2002</u>	<u>0.4988</u>	<u>0.3366</u>
<u>2003</u>	<u>0.3486</u>	<u>0.2379</u>
<u>2004</u>	<u>0.5495</u>	<u>0.3423</u>
<u>2007</u>	<u>0.4413</u>	<u>0.2883</u>
<u>2008</u>	<u>0.2531</u>	<u>0.1489</u>
<u>2009</u>	<u>0.2825</u>	<u>0.2007</u>
<u>2101</u>	<u>0.5575</u>	<u>0.3345</u>
<u>2102</u>	<u>0.3887</u>	<u>0.2727</u>
<u>2104</u>	<u>0.2166</u>	<u>0.1754</u>
<u>2105</u>	<u>0.5301</u>	<u>0.2652</u>
<u>2106</u>	<u>0.3026</u>	<u>0.2009</u>
<u>2201</u>	<u>0.2343</u>	<u>0.1407</u>
<u>2202</u>	<u>0.5112</u>	<u>0.3500</u>
<u>2203</u>	<u>0.2409</u>	<u>0.1850</u>
<u>2401</u>	<u>0.3615</u>	<u>0.2710</u>
<u>2903</u>	<u>0.5959</u>	<u>0.4045</u>
<u>2904</u>	<u>0.6647</u>	<u>0.4304</u>
<u>2905</u>	<u>0.4210</u>	<u>0.3061</u>
<u>2906</u>	<u>0.3179</u>	<u>0.1733</u>
<u>2907</u>	<u>0.4682</u>	<u>0.3037</u>
<u>2908</u>	<u>0.9149</u>	<u>0.5218</u>
<u>2909</u>	<u>0.4764</u>	<u>0.3140</u>

<u>3101</u>	<u>0.8167</u>	<u>0.3955</u>	<u>4804</u>	<u>0.4269</u>	<u>0.3238</u>
<u>3102</u>	<u>0.2806</u>	<u>0.1879</u>	<u>4805</u>	<u>0.2778</u>	<u>0.1826</u>
<u>3103</u>	<u>0.7763</u>	<u>0.3747</u>	<u>4806</u>	<u>0.0553</u>	<u>0.0402</u>
<u>3104</u>	<u>0.4980</u>	<u>0.2476</u>	<u>4808</u>	<u>0.4313</u>	<u>0.2347</u>
<u>3105</u>	<u>0.7579</u>	<u>0.4351</u>	<u>4809</u>	<u>0.2102</u>	<u>0.1553</u>
<u>3303</u>	<u>0.2107</u>	<u>0.1412</u>	<u>4810</u>	<u>0.1175</u>	<u>0.1012</u>
<u>3304</u>	<u>0.5411</u>	<u>0.3456</u>	<u>4811</u>	<u>0.2118</u>	<u>0.1623</u>
<u>3309</u>	<u>0.3439</u>	<u>0.2532</u>	<u>4812</u>	<u>0.2908</u>	<u>0.1842</u>
<u>3401</u>	<u>0.3827</u>	<u>0.2183</u>	<u>4813</u>	<u>0.1999</u>	<u>0.1416</u>
<u>3402</u>	<u>0.4719</u>	<u>0.2611</u>	<u>4901</u>	<u>0.0448</u>	<u>0.0273</u>
<u>3403</u>	<u>0.2034</u>	<u>0.1172</u>	<u>4902</u>	<u>0.0588</u>	<u>0.0358</u>
<u>3404</u>	<u>0.4293</u>	<u>0.2718</u>	<u>4903</u>	<u>0.0448</u>	<u>0.0273</u>
<u>3405</u>	<u>0.3065</u>	<u>0.1646</u>	<u>4904</u>	<u>0.0211</u>	<u>0.0166</u>
<u>3406</u>	<u>0.2081</u>	<u>0.1481</u>	<u>4905</u>	<u>0.1988</u>	<u>0.1832</u>
<u>3407</u>	<u>0.2785</u>	<u>0.1807</u>	<u>4906</u>	<u>0.0694</u>	<u>0.0450</u>
<u>3408</u>	<u>0.0891</u>	<u>0.0580</u>	<u>4907</u>	<u>0.0572</u>	<u>0.0371</u>
<u>3409</u>	<u>0.0795</u>	<u>0.0626</u>	<u>4908</u>	<u>0.0546</u>	<u>0.0954</u>
<u>3410</u>	<u>0.1636</u>	<u>0.1420</u>	<u>4909</u>	<u>0.0275</u>	<u>0.0466</u>
<u>3501</u>	<u>0.9078</u>	<u>0.4806</u>	<u>4910</u>	<u>0.3382</u>	<u>0.2390</u>
<u>3503</u>	<u>0.2249</u>	<u>0.2278</u>	<u>5001</u>	<u>4.8459</u>	<u>1.6341</u>
<u>3506</u>	<u>0.9452</u>	<u>0.3481</u>	<u>5002</u>	<u>0.4719</u>	<u>0.2711</u>
<u>3509</u>	<u>0.3570</u>	<u>0.2475</u>	<u>5003</u>	<u>1.6736</u>	<u>0.6180</u>
<u>3510</u>	<u>0.3762</u>	<u>0.2501</u>	<u>5004</u>	<u>1.5740</u>	<u>0.9331</u>
<u>3511</u>	<u>0.5641</u>	<u>0.3567</u>	<u>5005</u>	<u>1.4172</u>	<u>0.5715</u>
<u>3512</u>	<u>0.3006</u>	<u>0.2589</u>	<u>5101</u>	<u>0.6534</u>	<u>0.4584</u>
<u>3602</u>	<u>0.0895</u>	<u>0.0721</u>	<u>5103</u>	<u>0.5867</u>	<u>0.4236</u>
<u>3603</u>	<u>0.3388</u>	<u>0.2735</u>	<u>5106</u>	<u>0.5849</u>	<u>0.4178</u>
<u>3604</u>	<u>1.3109</u>	<u>0.7452</u>	<u>5108</u>	<u>0.5873</u>	<u>0.3225</u>
<u>3605</u>	<u>0.4369</u>	<u>0.2582</u>	<u>5109</u>	<u>0.6227</u>	<u>0.3175</u>
<u>3701</u>	<u>0.2382</u>	<u>0.1609</u>	<u>5201</u>	<u>0.3060</u>	<u>0.1739</u>
<u>3702</u>	<u>0.4611</u>	<u>0.2676</u>	<u>5204</u>	<u>0.9533</u>	<u>0.5303</u>
<u>3707</u>	<u>0.4308</u>	<u>0.3834</u>	<u>5206</u>	<u>0.5067</u>	<u>0.2445</u>
<u>3708</u>	<u>0.3314</u>	<u>0.2178</u>	<u>5207</u>	<u>0.1086</u>	<u>0.1104</u>
<u>3801</u>	<u>0.2714</u>	<u>0.1596</u>	<u>5208</u>	<u>0.8609</u>	<u>0.4701</u>
<u>3802</u>	<u>0.1556</u>	<u>0.1136</u>	<u>5209</u>	<u>0.6317</u>	<u>0.3935</u>
<u>3808</u>	<u>0.2900</u>	<u>0.1717</u>	<u>5301</u>	<u>0.0255</u>	<u>0.0188</u>
<u>3901</u>	<u>0.1544</u>	<u>0.1133</u>	<u>5305</u>	<u>0.0352</u>	<u>0.0272</u>
<u>3902</u>	<u>0.3432</u>	<u>0.2503</u>	<u>5306</u>	<u>0.0409</u>	<u>0.0306</u>
<u>3903</u>	<u>0.9713</u>	<u>0.7528</u>	<u>5307</u>	<u>0.3101</u>	<u>0.1725</u>
<u>3905</u>	<u>0.1223</u>	<u>0.1184</u>	<u>6103</u>	<u>0.0431</u>	<u>0.0477</u>
<u>3906</u>	<u>0.4847</u>	<u>0.2968</u>	<u>6104</u>	<u>0.1994</u>	<u>0.1602</u>
<u>3909</u>	<u>0.1554</u>	<u>0.1264</u>	<u>6105</u>	<u>0.1665</u>	<u>0.1130</u>
<u>4002</u>	<u>0.8284</u>	<u>0.3892</u>	<u>6107</u>	<u>0.1014</u>	<u>0.0840</u>
<u>4101</u>	<u>0.1962</u>	<u>0.1394</u>	<u>6108</u>	<u>0.4076</u>	<u>0.3121</u>
<u>4103</u>	<u>0.2041</u>	<u>0.1746</u>	<u>6109</u>	<u>0.0558</u>	<u>0.0379</u>
<u>4107</u>	<u>0.1228</u>	<u>0.0970</u>	<u>6110</u>	<u>0.4166</u>	<u>0.2688</u>
<u>4108</u>	<u>0.1557</u>	<u>0.1053</u>	<u>6201</u>	<u>0.2464</u>	<u>0.1455</u>
<u>4109</u>	<u>0.1962</u>	<u>0.1394</u>	<u>6202</u>	<u>0.5323</u>	<u>0.3301</u>
<u>4201</u>	<u>0.3532</u>	<u>0.1573</u>	<u>6203</u>	<u>0.0674</u>	<u>0.0572</u>
<u>4301</u>	<u>0.6919</u>	<u>0.4417</u>	<u>6204</u>	<u>0.1567</u>	<u>0.1276</u>
<u>4302</u>	<u>0.6578</u>	<u>0.3106</u>	<u>6205</u>	<u>0.1567</u>	<u>0.1276</u>
<u>4304</u>	<u>0.5683</u>	<u>0.3786</u>	<u>6206</u>	<u>0.1567</u>	<u>0.1276</u>
<u>4305</u>	<u>0.9549</u>	<u>0.4554</u>	<u>6207</u>	<u>0.8677</u>	<u>0.9145</u>
<u>4401</u>	<u>0.4242</u>	<u>0.2749</u>	<u>6208</u>	<u>0.1940</u>	<u>0.1954</u>
<u>4402</u>	<u>0.5802</u>	<u>0.3923</u>	<u>6209</u>	<u>0.1954</u>	<u>0.1670</u>
<u>4404</u>	<u>0.3797</u>	<u>0.2428</u>	<u>6301</u>	<u>0.1205</u>	<u>0.0660</u>
<u>4501</u>	<u>0.1213</u>	<u>0.0892</u>	<u>6302</u>	<u>0.1369</u>	<u>0.0999</u>
<u>4502</u>	<u>0.0350</u>	<u>0.0257</u>	<u>6303</u>	<u>0.0610</u>	<u>0.0426</u>
<u>4504</u>	<u>0.0708</u>	<u>0.0657</u>	<u>6304</u>	<u>0.1302</u>	<u>0.1233</u>
<u>4601</u>	<u>0.5520</u>	<u>0.3744</u>	<u>6305</u>	<u>0.0605</u>	<u>0.0478</u>
<u>4802</u>	<u>0.1959</u>	<u>0.1365</u>	<u>6306</u>	<u>0.2344</u>	<u>0.1648</u>
<u>4803</u>	<u>0.1749</u>	<u>0.1416</u>	<u>6308</u>	<u>0.0431</u>	<u>0.0301</u>

PROPOSED

<u>6309</u>	<u>0.1105</u>	<u>0.0885</u>
<u>6402</u>	<u>0.2545</u>	<u>0.1687</u>
<u>6403</u>	<u>0.1636</u>	<u>0.1420</u>
<u>6404</u>	<u>0.1151</u>	<u>0.1064</u>
<u>6405</u>	<u>0.5351</u>	<u>0.3172</u>
<u>6406</u>	<u>0.0687</u>	<u>0.0588</u>
<u>6407</u>	<u>0.1731</u>	<u>0.1308</u>
<u>6408</u>	<u>0.3077</u>	<u>0.2036</u>
<u>6409</u>	<u>0.4872</u>	<u>0.2804</u>
<u>6410</u>	<u>0.1363</u>	<u>0.1022</u>
<u>6501</u>	<u>0.0839</u>	<u>0.0585</u>
<u>6502</u>	<u>0.0221</u>	<u>0.0182</u>
<u>6503</u>	<u>0.0685</u>	<u>0.0328</u>
<u>6504</u>	<u>0.3112</u>	<u>0.2923</u>
<u>6505</u>	<u>0.0762</u>	<u>0.0702</u>
<u>6506</u>	<u>0.0618</u>	<u>0.0546</u>
<u>6508</u>	<u>0.3065</u>	<u>0.2201</u>
<u>6509</u>	<u>0.1910</u>	<u>0.1621</u>
<u>6601</u>	<u>0.1510</u>	<u>0.1284</u>
<u>6602</u>	<u>0.4006</u>	<u>0.2731</u>
<u>6603</u>	<u>0.2564</u>	<u>0.1759</u>
<u>6604</u>	<u>0.0523</u>	<u>0.0413</u>
<u>6605</u>	<u>0.2564</u>	<u>0.2323</u>
<u>6607</u>	<u>0.1220</u>	<u>0.1091</u>
<u>6608</u>	<u>0.2925</u>	<u>0.1433</u>
<u>6614</u>	<u>283.7000**</u>	<u>185.0000**</u>
<u>6615</u>	<u>211.7000**</u>	<u>137.0000**</u>
<u>6616</u>	<u>27.7000**</u>	<u>16.0000**</u>
<u>6617</u>	<u>20.7000**</u>	<u>13.0000**</u>
<u>6618</u>	<u>80.7000**</u>	<u>68.0000**</u>
<u>6620</u>	<u>0.5566</u>	<u>0.4741</u>
<u>6704</u>	<u>0.1132</u>	<u>0.0821</u>
<u>6705</u>	<u>0.6240</u>	<u>0.5642</u>
<u>6706</u>	<u>0.2995</u>	<u>0.2683</u>
<u>6707</u>	<u>10.88*</u>	<u>9.04*</u>
<u>6708</u>	<u>4.0470</u>	<u>4.3290</u>
<u>6709</u>	<u>0.1408</u>	<u>0.1356</u>
<u>6801</u>	<u>0.2262</u>	<u>0.1416</u>
<u>6802</u>	<u>0.2939</u>	<u>0.2721</u>
<u>6803</u>	<u>1.1663</u>	<u>0.2311</u>
<u>6804</u>	<u>0.1742</u>	<u>0.1150</u>
<u>6809</u>	<u>2.3483</u>	<u>3.5833</u>
<u>6901</u>	<u>0.0000</u>	<u>0.0386</u>
<u>6902</u>	<u>0.9111</u>	<u>0.3011</u>
<u>6903</u>	<u>4.0416</u>	<u>1.7992</u>
<u>6904</u>	<u>0.2107</u>	<u>0.1257</u>
<u>6905</u>	<u>0.2314</u>	<u>0.1571</u>
<u>6906</u>	<u>0.0000</u>	<u>0.1571</u>
<u>6907</u>	<u>1.0944</u>	<u>0.5869</u>
<u>6908</u>	<u>0.3672</u>	<u>0.2416</u>
<u>6909</u>	<u>0.0754</u>	<u>0.0602</u>
<u>7101</u>	<u>0.0275</u>	<u>0.0195</u>
<u>7102</u>	<u>16.56*</u>	<u>24.24*</u>
<u>7103</u>	<u>0.2839</u>	<u>0.1561</u>
<u>7104</u>	<u>0.0207</u>	<u>0.0180</u>
<u>7105</u>	<u>0.0243</u>	<u>0.0182</u>
<u>7106</u>	<u>0.1510</u>	<u>0.0925</u>
<u>7107</u>	<u>0.2423</u>	<u>0.1537</u>
<u>7108</u>	<u>0.1697</u>	<u>0.1442</u>
<u>7109</u>	<u>0.1819</u>	<u>0.1467</u>
<u>7110</u>	<u>0.3464</u>	<u>0.1787</u>
<u>7111</u>	<u>0.4379</u>	<u>0.2811</u>

<u>7112</u>	<u>0.6007</u>	<u>0.3453</u>
<u>7113</u>	<u>0.6496</u>	<u>0.3309</u>
<u>7114</u>	<u>0.5444</u>	<u>0.5040</u>
<u>7115</u>	<u>0.5157</u>	<u>0.3098</u>
<u>7116</u>	<u>0.5403</u>	<u>0.3123</u>
<u>7117</u>	<u>1.1217</u>	<u>0.9047</u>
<u>7118</u>	<u>2.5270</u>	<u>1.4928</u>
<u>7119</u>	<u>1.8565</u>	<u>1.0001</u>
<u>7120</u>	<u>5.1221</u>	<u>3.2106</u>
<u>7121</u>	<u>5.5649</u>	<u>3.1963</u>
<u>7201</u>	<u>1.0186</u>	<u>0.4659</u>
<u>7202</u>	<u>0.0468</u>	<u>0.0303</u>
<u>7203</u>	<u>0.0877</u>	<u>0.0945</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7301</u>	<u>0.5289</u>	<u>0.3009</u>
<u>7302</u>	<u>0.5251</u>	<u>0.4101</u>
<u>7307</u>	<u>0.5511</u>	<u>0.4135</u>
<u>7308</u>	<u>0.1742</u>	<u>0.1680</u>
<u>7309</u>	<u>0.1408</u>	<u>0.1356</u>

* Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

** These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 95-06-069, filed 3/1/95, effective 4/10/95)

WAC 296-17-919 Table I.

(RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective April 10, 1995

Size Group Number	Standard Premium Range
63	\$ 4,000 - \$ 4,834
62	4,835 - 5,803
61	5,804 - 6,905
60	6,906 - 8,171
59	8,172 - 9,617
58	9,618 - 11,245
57	11,246 - 13,097
56	13,098 - 15,194
55	15,195 - 17,535
54	17,536 - 20,173
53	20,174 - 23,141
52	23,142 - 26,435
51	26,436 - 27,857
50	27,858 - 29,982
49	29,983 - 32,302
48	32,303 - 34,865
47	34,866 - 37,700
46	37,701 - 40,816
45	40,817 - 44,279
44	44,280 - 48,138
43	48,139 - 52,404
42	52,405 - 57,182
41	57,183 - 62,549
40	62,550 - 68,526
39	68,527 - 75,278

38	75,279	82,929
37	82,930	91,526
36	91,527	101,337
35	101,338	112,571
34	112,572	125,325
33	125,326	135,626
32	135,627	147,797
31	147,798	161,403
30	161,404	176,843
29	176,844	194,440
28	194,441	214,344
27	214,345	237,250
26	237,251	263,747
25	263,748	294,154
24	294,155	329,753
23	329,754	371,713
22	371,714	420,756
21	420,757	479,459
20	479,460	550,343
19	550,344	635,211
18	635,212	739,820
17	739,821	870,308
16	870,309	1,031,766
15	1,031,767	1,391,785
14	1,391,786	1,895,123
13	1,895,124	2,297,512
12	2,297,513	2,778,867
11	2,778,868	3,510,061
10	3,510,062	5,045,595
9	5,045,596	7,405,056
8	7,405,057	10,528,520
7	10,528,521	15,512,942
6	15,512,943	24,127,195
5	24,127,196	& Over))

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 1996

<u>Size Group Number</u>	<u>Standard Premium Range</u>
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63	\$ 3,577	-	\$ 4,323
62	4,324	-	5,189
61	5,190	-	6,175
60	6,176	-	7,307
59	7,308	-	8,600
58	8,601	-	10,056
57	10,057	-	11,712
56	11,713	-	13,588
55	13,589	-	15,681
54	15,682	-	18,040
53	18,041	-	20,694
52	20,695	-	23,640
51	23,641	-	24,912
50	24,913	-	26,812
49	26,813	-	28,887
48	28,888	-	31,179
47	31,180	-	33,714
46	33,715	-	36,501
45	36,502	-	39,598
44	39,599	-	43,049

43	43,050	-	46,864
42	46,865	-	51,137
41	51,138	-	55,936
40	55,937	-	61,281
39	61,282	-	67,319
38	67,320	-	74,162
37	74,163	-	81,850
36	81,851	-	90,623
35	90,624	-	100,670
34	100,671	-	112,075
33	112,076	-	121,287
32	121,288	-	132,172
31	132,173	-	144,339
30	144,340	-	158,147
29	158,148	-	173,884
28	173,885	-	191,683
27	191,684	-	212,168
26	212,169	-	235,863
25	235,864	-	263,056
24	263,057	-	294,891
23	294,892	-	332,415
22	332,416	-	376,273
21	376,274	-	428,770
20	428,771	-	492,160
19	492,161	-	568,056
18	568,057	-	661,606
17	661,607	-	778,298
16	778,299	-	922,687
15	922,688	-	1,244,645
14	1,244,646	-	1,694,769
13	1,694,770	-	2,054,617
12	2,054,618	-	2,485,083
11	2,485,084	-	3,138,975
10	3,138,976	-	4,512,171
9	4,512,172	-	6,622,189
8	6,622,190	-	9,415,438
7	9,415,439	-	13,872,904
6	13,872,905	-	21,576,453
5	21,576,454	-	& Over

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((24.8))~~ 23.6 mills ~~(((\$0.248)))~~ (\$0.236) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications 6707 and 7102, the employer shall retain ~~((twenty))~~ nineteen cents per day from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

PROPOSED

WSR 95-17-101
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 23, 1995, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-022.

Title of Rule: Landscape architect fees.

Purpose: To establish the registration cost charged to examination candidates at a sufficient level to meet the cost of purchasing the examinations for candidates.

Statutory Authority for Adoption: RCW 18.96.080, 43.24.086.

Statute Being Implemented: RCW 19.96.080.

Summary: Amending WAC 308-13-150 Landscape architect fees, would increase the examination fee to meet the examination vendor price.

Reasons Supporting Proposal: RCW 43.24.086 requires professional licensing programs to set fees at a sufficient level to defray the costs of administering the program. The fiscal impact of not increasing the fees charged to candidates would necessitate cancellation of the examinations, and make the candidates go to other states to take the examinations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 405 Black Lake Boulevard, Olympia, (360) 753-1153, FAX (360) 664-2550, TDD (360) 753-1966.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment would increase the examination fee charged to examination candidates to a sufficient level to meet the cost of purchasing the examinations for the candidates. This is a pass-through fee that we collect for the vendor (test supplier). The fees are collected as a "refund due" from candidates scheduling to take one or more sections of the landscape architect examination. The funds are refunded to the vendor (test supplier) when the invoice is received from the vendor. This is a national examination supplied by one vendor and the fee is the same for each participating state/jurisdiction.

Proposal Changes the Following Existing Rules: It increases the examination fees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The change will not affect small business. This is a pass-through fee that we collect for the vendor (test supplier). The fees are collected as a "refund due" from candidates scheduling to take one or more sections of the landscape architect examination. The funds are refunded to the vendor (test supplier) when the invoice is received from the vendor. This is a national examination supplied by one vendor and the fee is the same for each participating state/jurisdiction.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 (5)(b)(vi), the section does not apply to rules that set or adjust fees or rates pursuant to legislative standards.

Hearing Location: Business and Professions Division, 405 Black Lake Boulevard, Conference Room 1, Olympia, WA, on September 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sharon M. Kinder by September 25, 1995, TDD (360) 753-1966, or (360) 586-8935.

Submit Written Comments to: FAX (360) 664-2550, by August 25, 1995.

Date of Intended Adoption: September 27, 1995.

August 23, 1995

James D. Hanson

Program Administrator

AMENDATORY SECTION (Amending WSR 94-23-031, filed 11/8/94, effective 12/9/94)

WAC 308-13-150 Landscape architect fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Application fee	\$150.00
Examination (entire) fee	((450.00)) 515.00
Reexamination administration fee	50.00
Examination Sections:	
Section 1: Legal and administrative aspects of practice	((25.00)) 30.00
Section 2: Programming and environmental analysis	35.00
Section 3: Conceptualization and communication	((85.00)) 100.00
Section 4: Design synthesis	((80.00)) 100.00
Section 5: Integration of technical and design requirements	((95.00)) 100.00
Section 6: Grading and drainage	((85.00)) 100.00
Section 7: Implementation of design through construction process	((45.00)) 50.00
Exam proctor	100.00
Renewal (3 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial registration (3 years)	450.00
Reciprocity application fee	200.00
Certification	45.00
Replacement certificate	20.00

WSR 95-17-103
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed August 23, 1995, 10:26 a.m.]

The Washington State Liquor Control Board hereby withdraws WSR 95-13-096 filed June 21, 1995. The proposal pertaining to the removal of wine from a bonded wine warehouse was the result of a petition filed by the Washington Wine Institute. Following a public hearing on August 4, 1995, proponents and opponents were directed by the board to work to reach agreement.

On Wednesday, August 16, the board determined that the Washington Wine Institute and the Washington State Beer and Wine Wholesalers Association could not come to an agreement on the issues. At that time, the board voted to

PROPOSED

withdraw the proposed rule and recommended the matter be directed to the next session of the legislature for resolution.

Joseph McGavick
Chair

WSR 95-17-107

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 93-26—Filed August 23, 1995, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-07-057.

Title of Rule: Amend waste discharge standards and effluent limitations, chapter 173-221A WAC.

Purpose: Establish waste discharge standards for marine finfish rearing facilities and make minor revisions to existing upland finfish facility waste discharge standards.

Other Identifying Information: Marine finfish rearing facilities shall mean those private or public facilities located within waters of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. Net-pens are the most common type of these facilities.

Statutory Authority for Adoption: RCW 90.48.220.

Statute Being Implemented: RCW 90.48.220.

Summary: The new marine finfish rearing facility rules will establish best management practices designed to prevent and control pollution of the receiving waters. The changes to the upland finfish facility standards are designed to improve the rule.

Reasons Supporting Proposal: The marine finfish rearing facility rules will provide more regulatory certainty in the National Pollutant Discharge Elimination System (NPDES) permitting of these facilities and a more definitive basis for local permitting of them.

Name of Agency Personnel Responsible for Drafting: Bill Ward, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6098; **Implementation and Enforcement:** Mike Llewelyn, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6405.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1993 Washington state legislature passed a bill creating a new section in chapter 90.48 RCW (RCW 98.48.220 [90.48.220]) which mandated that the department establish waste discharge standards for marine finfish rearing facilities. The new rule establishes "known, available, and reasonable methods" of prevention, control, and treatment (AKART) for marine finfish rearing facilities. The department has determined that best management practices (BMPs) designed to prevent and control pollution of the receiving waters will equate to AKART for this industry. The following practices are addressed in the new section: (1) Feeding protocols, (2) drug and chemical use, (3) fish mortalities and harvest blood handling, (4) rearing vessel cleaning, and (5) chemical storage. The department also plans to make minor changes to improve the existing upland

finfish facility standards which are located in the same chapter of standards (chapter 173-221A WAC). The rule improvements include: (1) Expanding the chemical use requirements to reflect our current position, (2) removing the effluent treatment design standards to provide dischargers more flexibility in meeting the effluent standards, and (3) eliminate the state waste discharge permit exemption requirements.

Proposal Changes the Following Existing Rules: Part of the existing upland finfish facility standards are being changed to improve the rule. See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department is not required to write a SBEIS (see RCW 19.85.030(1)), because the amendments decrease the waste discharge permit compliance costs for marine or upland finfish rearing facilities.

Executive Summary of the Justification for Exemption from Small Business Economic Impact Statement Requirement

Agency contact: For a complete copy of the justification for not writing a SBEIS contact Bill Ward, Department of Ecology, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6098.

Introduction: This document presents the a summary of the economic analysis of the 1995 amendments to chapter 173-221A WAC, Wastewater discharge standards and effluent limitations. Presently, this rule regulates upland finfish facilities. The amendments will add regulations for marine finfish rearing facilities and makes revisions to the existing upland finfish standards.

The state Regulatory Fairness Act, chapter 19.85 RCW, requires that a small business economic impact statement (SBEIS) be written for rules which impose more than minor costs on businesses in an industry. The SBEIS compares the compliance costs of small and large businesses to determine whether the rule disproportionately impacts small businesses. Disproportionate impacts of rules on small businesses must be reduced when legal and feasible in meeting the stated objectives of the statutes upon which the rule is based.

The department has determined that the permit requirements based on the rule amendments will be no more restrictive than permits issued under the current regulatory situation, and because of the regulatory certainty provided by the rule the permitting process should be less costly. Because the amendments do not impose new costs and are in fact likely to decrease costs, the department is not required to write a SBEIS. This economic analysis explains why the rule amendments will decrease costs, and thus provides the justification for not writing a SBEIS for this rule.

Facilities required to obtain permits: Under the rule amendments, a finfish rearing facilities that meet any one of the following criteria must obtain a National Pollutant Discharge Elimination System (NPDES) permit:

- Produces more than 20,000 pounds of finfish per year.
- Feeds more than 5,000 pounds of fish food per month.
- Is designated to be a significant contributor of pollution by the Department of Ecology according

PROPOSED

to the factors contained in title 40, part 122, section 24 of the code of federal regulations.

These requirements are contained in 40 CFR part 122.24. The rule amendments conditionally eliminate the state waste discharge permit requirements for facilities which produce less than 20,000 pounds of fish per year and which feed less than 5,000 pounds of food during any calendar month.

Requirements of the rule amendments: The rule amendments pertaining to marine finfish rearing facilities contain the following requirements:

- Criteria for facilities that must obtain permits.
- A requirement that all facilities must comply with all applicable state water quality standards and sediment management standards.
- Requirements for best management practices for feeding and for use of disease control chemicals.
- Requirements for best management practices for: (1) Disposal of fish mortalities, unconsumed feed, fecal material, and accumulated solids; and (2) storage of chemicals, petroleum products, and toxic substances.
- An entry and inspection requirement.
- Requirements for environmental studies and monitoring.

The existing regulatory situation is the *baseline* from which the impact of the rule amendments is measured. Currently, existing state and federal laws and rules require discharge permits for net pens. The department has determined that compared to the current regulatory situation, these rule amendments should **decrease** the total cost of complying with a net pen permit. Permit conditions based on the rule amendments will be no more restrictive than permit conditions based on current laws and rules. Thus, they will be no more costly to comply with.

The rule amendments to the upland discharge standards include:

- The repeal of the design standards for pollution abatement ponds and equipment.
- The elimination of the registration requirements for upland finfish facilities which produce between 5,000 and 20,000 pounds of fish annually.
- Changes regarding the use of therapeutic drugs or chemicals to explicitly allow the use of investigational new animal drugs (INADs) and to permit the extra label use of therapeutants by licensed veterinarians.

Ecology believes that the amendments to the upland finfish rules will allow more flexibility in meeting the remaining wastewater discharge performance standards in the rule. The added flexibility in how the performance standards are to be met, along with the elimination of the registration requirements and the relaxation of the therapeutant usage requirements will decrease compliance costs for the industry as whole.

In conclusion, because the amendments will result in permits which are no more restrictive than permits issued under current rules for both upland and marine finfish rearing facilities, the amendments will not increase compliance costs. Because the amendments do not impose new compliance costs, the Department of Ecology is not required to write a SBEIS for the rule amendments to chapter 173-

221A WAC, Wastewater discharge standards and effluent limitations.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: Anacortes Municipal Building (City Hall), 6th Street and Q Avenue, Anacortes, Washington 98221, on September 26, 1995, at 10:00 a.m.; at the Kitsap Memorial Armory, 19133 Jensen Way, Poulsbo, WA 98370-0059, on September 27, 1995, at 6:00 p.m.; and at the Ecology Headquarters Building, 300 Desmond Drive, Lacey, WA 98503, on September 28, 1995, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Bill Ward by September 15, 1995, TDD (360) 407-6006.

Submit Written Comments to: Bill Ward, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6426, by October 13, 1995.

Date of Intended Adoption: October 31, 1995.

August 16, 1995

Mary Riveland
Director

AMENDATORY SECTION (Amending Order 90-11, filed 7/3/90, effective 8/3/90)

WAC 173-221A-030 Definitions. As used in this chapter, unless the context indicates otherwise:

((+)) "Department" means the department of ecology.

((2)) "Director" means the director of the department of ecology, or designee.

((3)) "General NPDES permit" means a permit designed to cover multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

((4)) "Individual NPDES permit" means a permit for a single point source or a single facility.

((5)) "Marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to the size of release or for market sale.

"NPDES" means National Pollutant Discharge Elimination System.

((6)) "Permit or wastewater discharge permit" means an authorization, license, or equivalent control document issued by the department to implement chapters 173-220 (WAC), 173-226, and/or ((chapter)) 173-216 WAC.

((7)) "Sediment quality standards" means the standards set forth in chapter 173-204 WAC.

((8)) "Upland fin((-))fish facility" means those facilities not located within waters of the state where fin((-))fish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This includes fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facility.

((9)) "Wastewater" means the water or liquid carried waste. These wastes may result from any process or activity, including but not limited to, of industry, manufacturer, trade, business, development of any natural resource, or from animal operations such as feed lots, poultry houses, dairies, or fish rearing operations. The term also includes contaminated storm water and leachate from solid waste facilities.

~~((10)) "Water quality standards" means ((any applicable standards including chapter 173-201 WAC for surface waters and chapter 173-290 for ground water)) as applicable; Chapter 173-201A WAC for surface waters, chapter 173-200 WAC for ground waters, and chapter 173-204 WAC for sediment.~~

~~((11)) "Waters of the state" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington state and "waters of the state" as defined in RCW 90.48.020.~~

~~((12)) "40 CFR" means Title 40 of the Code of Federal Regulations, as presently promulgated and subsequently amended or repromulgated.~~

AMENDATORY SECTION (Amending Order 90-11, filed 7/3/90, effective 8/3/90)

WAC 173-221A-100 Upland fin((-))fish facilities.

~~((1) Compliance.~~

~~(a) An NPDES permit under chapter 173-220 WAC is required for each upland fin fish facility that: (i) Is a concentrated aquatic animal production facility as defined in 40 CFR 122.24, or (ii) the department has designated as a significant contributor of pollution in accordance with 40 CFR 122.24. NPDES permit requirements may be satisfied by obtaining coverage under either an individual or general permit.~~

~~Each upland fin fish facility for which either an individual or a general NPDES permit is required must comply with subsections (2), and (4) through (7) of this section.)) (1) Which types of upland finfish facilities need a wastewater discharge permit?~~

~~(a) A permit is required for:~~

~~(i) All facilities which produce more than 20,000 net pounds of finfish a year; or~~

~~(ii) Feeds more than 5,000 pounds of fish food during any calendar month; or~~

~~(iii) Is designated as a significant contributor of pollution by the department in accordance with 40 CFR 122.24.~~

~~(b) ((Each upland fin fish facility that produces more than 5,000 harvest weight pounds of aquatic animals per year or that feeds more than 1,250 pounds of food during the calendar month of maximum production and does not fall within (a) of this subsection must comply with subsections (2), (3), (5), and (6) of this section.~~

~~(c) Each upland fin fish facility which does not fall within (a) or (b) of this subsection must comply with subsections (3)(a)(ii), (3)(b), (5), and (6) of this section.)) Facilities which do not require a permit under (a) of this subsection are conditionally exempt from the requirement to obtain a wastewater discharge permit provided they comply with subsections (2) through (6) of this section.~~

~~(2) Time of compliance. ((Each upland fin fish facility falling within subsection (1)(a) of this section must obtain coverage under a discharge permit prior to commencing operations. Each upland fin fish facility falling within subsection (1)(b) of this section in existence on the effective date of this rule must either register for an exemption from having a state waste discharge permit under subsection (3) of this section or file a complete application for a permit with the department by January 1, 1991.~~

~~Each upland fin fish facility falling within subsection (1)(b) of this section either be deemed exempt by compliance with subsection (3) of this section or obtain a permit prior to commencing operations.~~

~~(3) Exemptions:~~

~~(a) Registration for exemption. Each upland fin fish facility which meets the size criteria in subsection (1)(b) of this section and wishes to be deemed exempt from the requirement of obtaining a state waste discharge permit must register with the department on an exemption registration form prescribed by the department in (a)(i) of this subsection and comply with (a)(ii) of this subsection. Upon submission to the department of a complete and accurate exemption registration form and so long as the facility complies fully with (a)(ii) of this subsection the facility shall be deemed exempt from the requirement to obtain a state waste discharge permit.~~

~~(i) The exemption registration form shall require the following information: The facility owner's name, mailing address and phone number; the facility operator's name, mailing address and phone number if different from the owners; the facility location and address; the facility's average annual production in pounds of fish; the maximum historical and anticipated harvest weight in pounds of fish; the average amount of fish on hand in pounds; the facility's maximum anticipated amount of fish on hand at any time; the amount of food fed (in pounds) during the calendar month of maximum feeding; the facility's water source(s); the receiving water of the state into which facility effluent is discharged; and the amount of water being discharged into the receiving water of the state.~~

~~(ii) All upland fin fish facilities shall be operated so as to:~~

~~(A) Comply with subsections (5) and (6) of this section.~~

~~(B) Comply with all applicable water quality standards, sediment quality standards and other applicable requirements of federal and state law.~~

~~(C) Allow authorized representatives of the department, upon presentation of identification to:~~

~~(I) Enter in or upon the facility at all reasonable times;~~

~~(II) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of the exemption;~~

~~(III) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any water of the state;~~

~~(IV) Sample and make tests at all reasonable times; and~~

~~(V) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.~~

~~(D) Notify the department in writing, within thirty calendar days of:~~

~~(I) Any change of ownership of the facility;~~

~~(II) Any increase in production or feeding that could result in the facility being defined as a concentrated aquatic animal production facility under 40 CFR 122.24; or~~

~~(III) Any increase in production or feeding rate of more than ten percent over the production and feeding rates reported in the exemption registration form.~~

~~(b) Termination of exemption.~~

~~(i) Exemption from the requirement of obtaining a state waste discharge permit under (a) of this subsection is automatically terminated under the following conditions:~~

~~(A) The upland fin fish facility meets the criteria for a concentrated aquatic animal production facility as defined in 40 CFR 122.24 or the department designated it as a significant contributor to pollution in accordance with 40 CFR 122.24.~~

~~(B) The wastewater from the upland fin fish facility is not undergoing all known available and reasonable treatment prior to discharge or the upland fin fish facility otherwise fails to comply with the requirements of (a)(ii) of this subsection.~~

~~(C) Information contained in the exemption registration form is or becomes materially inaccurate.~~

~~(D) Receiving waters do not meet state water quality standards due wholly or in part to pollutants from the upland fin fish facility.~~

~~(E) The cumulative effect of multiple dischargers has, will, or is likely to cause adverse effects on the receiving environment.~~

~~(ii) Termination of exemption from the requirement of obtaining a state waste discharge permit shall become effective thirty calendar days following receipt of the department's notice of termination.~~

~~(c) Failure to obtain a permit or exemption. Any facility falling within subsection (1)(b) of this section that fails to either obtain a permit or achieved the conditions necessary to become exempt within the time frame set out in subsection (2) of this section is in violation of state and/or federal law and will be subject to potential enforcement action:~~

~~(4)) Each upland finfish rearing facility which requires a wastewater discharge permit in accordance with subsection (1) of this section shall submit a completed application form to the department at least one hundred eighty days in advance of the date when permit coverage is deemed necessary.~~

~~(3) **Prevention, control, and treatment.** Each upland fin(-)fish facility shall provide treatment prior to discharging to waters of the state regardless of receiving water quality. The minimum acceptable technology-based treatment requirements for upland fin(-)fish facilities required to obtain permits including general ((NPDES)) wastewater discharge permits are:~~

~~(a) For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the water, raceways or ponds, with treatment in a separate settling basin or treatment system:~~

~~(i) All facilities utilizing off-line settling shall incorporate into the pond or raceway design methods to collect settleable solids. Methods such as screened settling zones in the downstream end at raceways shall be used to collect settleable solids prior to periodic removal to off-line settling basins.~~

~~(ii) ((The settling basin shall have a hydraulic detention time of twenty four hours or more.~~

~~(iii)) The settling basin shall be designed to minimize short-circuiting and to provide a minimum total suspended solids average monthly percent removal of 85% and an average monthly settleable solids percent removal of 90%.~~

~~((iv)) (iii) Turbulent flow shall be minimized within the cleaning system to avoid homogenization or solids.~~

~~((v)) (iv) Rearing of fish within the settling basin is not permitted.~~

~~((vi) Alternative treatment technologies may be used, subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.)~~

~~(b) For facilities that provide in-line settling for the entire effluent;~~

~~(i) ((The settling basin shall have a minimum hydraulic detention time of sixty minutes.~~

~~(ii)) The settling basin shall be designed to minimize hydraulic short-circuiting.~~

~~((iii)) (ii) The settling basin shall be designed to provide at least a twenty year sludge decomposition and storage capacity unless provisions are made for periodic sludge removal without interruption in treatment.~~

~~((iv)) (iii) Rearing of fish within the settling basin is prohibited.~~

~~((v) Alternative treatment technologies may be used subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.)~~

~~(c) For facilities with rearing ponds only, no other form of effluent treatment shall be required, provided the rearing pond has a minimum hydraulic retention time of two hours or more. Rearing vessels with less than two hours hydraulic retention time may be approved by the department in writing without additional treatment provided the applicant can demonstrate to the department, in advance, the ability to continuously comply with effluent limits established in subsection ((5)) (4)(a) of this section.~~

~~(d) Each upland fin(-)fish facility that begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule shall either:~~

~~(i) Line all settling basins or otherwise ensure that the static (i.e., without inflow) seepage rate through the settling basin bottom and sides shall not be greater than a water surface drop of 0.10 inch per day; or~~

~~(ii) Demonstrate to the department through hydrogeologic investigation and/or ground water monitoring that the operation of the facility will not have an adverse impact upon ground water quality.~~

~~(e) Notwithstanding the treatment requirements of this subsection, more stringent or additional conditions may be required by the department as necessary on a case-by-case basis to mitigate adverse water quality impacts or meet water quality standards, ground water standards, sediment standards or other applicable requirements of federal or state law.~~

~~((5)) (4) **Effluent standards.** Wastewater from all upland fin(-)fish facilities regardless of size shall meet the following effluent discharge standards.~~

~~(a) Facility discharges.~~

~~(i) The instantaneous maximum total suspended solids concentration in the effluent at the point of discharge to the~~

receiving environment shall not exceed 15 milligrams per liter of effluent.

(ii) The average ~~((monthly))~~ total suspended solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 5 milligrams per liter of effluent.

(iii) The average ~~((monthly))~~ settleable solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 0.1 milliliter per liter of effluent.

(iv) Effluent limitations shall apply as net values provided the criteria contained in 40 CFR 122.45 (net gross allowance) are met.

(b) Off-line settling basin effluent.

(i) The instantaneous maximum total suspended solids concentration shall not exceed 100 milligrams per liter of effluent.

(ii) The instantaneous maximum settleable solids concentration in off-line settling basin effluent shall not exceed 1.0 milliliter per liter of effluent.

(c) Discharges during rearing pond drawdown for fish release shall meet the following discharge standards. Pond drawdown for purposes other than fish release shall meet the discharger standards in (a) of this subsection.

(i) The instantaneous maximum total suspended solids concentration in the rearing pond effluent shall not exceed 100 milligrams per liter.

(ii) The instantaneous maximum settleable solids concentration in the rearing pond effluent shall not exceed 1.0 milliliter per liter.

(d) Test procedures. All sampling and analytical methods used to determine compliance with standards specified in this subsection shall, unless otherwise approved by the department, conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

(e) Notwithstanding the numerical discharge standards within this subsection, each upland fin~~((-))~~fish facility shall be operated in the most efficient manner possible. Additional effluent limits and/or more stringent effluent limits may be required as necessary on a case-by-case basis to meet water quality standards, ground water quality standards, sediment quality standards, or other applicable requirements of federal or state law.

~~((6))~~ **(5) General requirements.** The following practices shall be applicable to all upland fin~~((-))~~fish facilities.

(a) Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters shall be disposed of in a manner so as to prevent such materials from entering waters of the state.

(b) Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state is prohibited.

(c) Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.

(d) Practices such as removing dam boards in raceways or ponds, that allow accumulated solids to discharge to waters of the state are prohibited.

(e) The discharge of any drugs or chemicals in toxic amounts or in violation of water quality standards to waters of the state is prohibited.

~~((Only drugs, medications, and disease control chemicals))~~ Disease control chemical use practices. The following requirements only apply to those drugs and chemicals included in feed or administered by a bath or dip treatment which results or may result in those materials being discharged to waters of the state. These requirements do not apply to drugs and chemicals administered by injections or by dip treatments which results in no discharge to waters of the state.

(i) Disease control chemicals and drugs approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) ~~((shall))~~ may be used. ~~((Their use shall comply with the permitted uses and application practices given on the product labels.))~~

(ii) USFDA approved Investigational New Animal Drugs (INADs) may also be used at a facility, provided the conditions detailed in a facility's INAD permit application are met.

(iii) All disease control drug and chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by or under the supervision of a licensed veterinarian.

(iv) Disease control drugs and chemicals which are not used in accordance with product label instructions, or under USFDA approved INAD protocols must:

(A) Be administered by or under the supervision of a licensed veterinarian; and

(B) Be approved in advance by the department.

(v) The department may require disease control drug and chemical use reports from each facility.

(g) Fish mortalities ~~((and))~~, kill spawning ~~((or))~~, processing wastes, and any leachate from these materials shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.

(h) Right of entry.

(i) Authorized representatives of the department, upon presentation of identification shall be allowed to:

(A) Enter in or upon the facility at all reasonable times;

(B) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of, as applicable: The conditional exemption or wastewater discharge permit;

(C) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any waters of the state;

(D) Sample and make tests at all reasonable times; and

(E) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.

~~((7))~~ **(6) Receiving water quality studies.** Receiving water quality studies shall be required as follows for each upland fin~~((-))~~fish facility which begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule.

Existing facilities may be required to do receiving water studies on a case-by-case basis. Dilution shall be evaluated by the department using total facility effluent at maximum production at the lowest seven-day average receiving stream flow with a 10-year recurrence interval (7Q10).

(a) For facilities with a discharge of one part upland fin((-))fish facility effluent to ten parts or more of receiving water, receiving water studies are not required unless significant data indicates water quality standards would be violated.

(b) For facilities with an effluent dilution of between one part upland fin((-))fish facility effluent to three parts receiving water and one part effluent to ten parts receiving water, receiving water studies may be required by the department. The department shall provide the upland fin((-))fish operator or permit applicant with written documentation on the need for receiving water studies upon request. Factors to be considered by the department in determining the need for and objectives of special receiving water studies may include, but are limited to, the following:

(i) The water quality classification of the receiving water of the state;

(ii) The potential water quality impacts of surrounding land use practices and/or existing and proposed discharges including the proposed upland fin((-))fish hatching and rearing facility;

(iii) The likelihood that the proposed discharge will have an effect on existing water quality and/or present or future beneficial uses;

(iv) The proximity of the discharge to a quiescent water body such as a lake or a reservoir;

(v) On-site inspection;

(vi) The potential of the discharge to have an adverse impact on receiving water quality such that water quality standards would be violated; and

(vii) Possible beneficial impacts of upland fin((-))fish discharges on existing water quality such as flow augmentation.

(c) For facilities with an effluent dilution of one part upland fin((-))fish facility effluent to three parts or less of receiving waters, receiving water quality studies will generally be required for new facilities and may be required on a case-by-case basis for existing facilities.

(d) Receiving water quality studies content and scope shall include, as required by the department an analysis of the proposed facilities discharge and any impacts upon the receiving water of the state, including, but not limited to, the following:

(i) Identification of existing and potential beneficial uses of the receiving water of the state and an evaluation of the impact on those beneficial uses of the proposed discharge;

(ii) Hydraulic impacts;

(iii) The impacts of both nitrogen and phosphorous compounds and the potential for eutrophication of the receiving waters;

(iv) The use of chemicals and medications within the facility, their toxicity, and the impacts on the receiving waters;

(v) The effect of the facilities on receiving water temperature and dissolved oxygen concentrations; and

(vi) The potential for impacting any specified identified water use.

(vii) Possible beneficial impact of upland fin((-))fish discharges on existing water quality such as flow augmentation.

NEW SECTION

WAC 173-221A-110 Marine finfish rearing facilities.

(1) This rule sets waste discharge standards for finfish rearing facilities located within marine waters as required by RCW 90.48.220. Net-pens, floating raceways, closed bag, and barge systems are some examples of finfish rearing facilities covered by this section.

(2) **Which types of marine finfish rearing facilities need a wastewater discharge permit?**

(a) A permit is required for:

(i) All facilities which produce more than 20,000 net pounds of finfish a year; or

(ii) Feeds more than 5,000 pounds of fish food during any calendar month; or

(iii) Is designated as a significant contributor of pollution by the department in accordance with 40 CFR 122.24.

(b) Facilities which do not require a permit under (a) of this subsection are conditionally exempt from the requirement to obtain a state waste discharge permit under chapter 173-216 WAC provided they comply with subsections (3) through (5) of this section.

(3) **Time of compliance.**

(a) Each marine finfish rearing facility which requires a wastewater discharge permit in accordance with subsection (2) of this section shall submit a completed application form to the department at least one hundred eighty days in advance of the date when permit coverage is deemed necessary.

(b) Existing unpermitted marine finfish rearing facilities which require a waste discharge permit in accordance with subsection (2) of this section shall file a completed application form with the department by January 31, 1996.

(4) **Requirements applicable to all marine finfish rearing facilities.** All marine finfish rearing facilities regardless of size, shall be operated so as to:

(a) Comply with all applicable state water quality standards and sediment quality standards.

(b) Comply with the following general requirements meant to reduce pollutants in the effluent:

(i) Feeding practices. Fish food shall be dispersed in a manner which maximizes ingestion by the reared fish.

(ii) Disease control chemical use practices. The following requirements only apply to those drugs and chemicals included in feed or administered by a bath or dip treatment which results or may result in those materials being discharged to waters of the state. These requirements do not apply to drugs and chemicals administered by injections or by dip treatments which results in no discharge to waters of the state.

(A) Disease control chemicals and drugs approved for use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) may be used.

(B) USFDA approved Investigational New Animal Drugs (INADs) may also be used at a facility, provided the conditions detailed in a facility's INAD permit application are met.

(C) All disease control drug and chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by or under the supervision of a licensed veterinarian.

(D) Disease control drug and chemicals which are not used in accordance with product label instructions, or under USFDA approved INAD protocols must:

(I) Be administered by or under the supervision of a licensed veterinarian; and

(II) Be approved in advance by the department.

(E) The department may require disease control drug and chemical use reports from each facility.

(iii) Right of entry. Authorized representatives of the department, upon presentation of identification shall be allowed to:

(A) Enter in or upon the facility at all reasonable times;

(B) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of, as applicable: The conditional exemption or wastewater discharge permit;

(C) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any waters of the state;

(D) Sample and make tests at all reasonable times; and

(E) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.

(iv) Operational conditions.

(A) Fish mortalities, harvest blood, and any leachate from these materials shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.

(B) Accumulated solids and attached marine growth contained within or on the finfish rearing units shall be disposed of in a manner which prevents, to the maximum extent practicable, these materials from entering or reentering waters of the state.

(C) Discharging accumulated solids into waters of the state without prior treatment is prohibited.

(D) Storage quantities of all necessary chemicals, petroleum products, and potentially toxic substances essential to the day-to-day operation of the facility shall be minimized. These products shall be kept in leak proof storage areas which provide secondary containment.

(c) Pollution prevention plan. All marine finfish rearing facilities shall develop a pollution prevention plan.

(i) The plan shall address: Operating, spill prevention, spill response, solid waste, and storm water discharge practices which prevent or minimize the release of pollutants from the facility to the waters of the state.

(ii) Each facility shall be operated in accordance with its plan along with any subsequent plan amendments or revisions.

(iii) A copy of the most current version of the plan shall be maintained at the facility and available to the department upon request.

(5) **Environmental studies.** The purpose of these studies shall be to determine the potential of the discharge

from a marine finfish rearing facility to have an adverse impact on existing water quality and sediment quality.

(a) Environmental studies shall be required as necessary to determine compliance with applicable water quality standards for each facility which begins construction after November 1, 1995, or expands production by fifty percent over the production on the effective date of this rule. Existing facilities may be required to do environmental studies on a case-by-case basis.

(b) Environmental monitoring and reporting programs will be required to ensure the discharge from a facility complies with state water quality standards and sediment management standards. The department may require environmental monitoring programs through the issuance of wastewater discharge permits, and/or through administrative orders.

WSR 95-17-112
PROPOSED RULES
HEALTH CARE POLICY BOARD

[Filed August 23, 1995, 10:50 a.m.]

Original Notice.

Proposal is exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Administration and operations.

Purpose: Inform the public of agency operations and comply with provisions of chapters 42.17 and 34.05 RCW.

Statutory Authority for Adoption: RCW 42.17.250.

Statute Being Implemented: RCW 42.17.250.

Summary: This rule describes the organization of the agency, sets forth operating procedures, declares an exemption from the Environmental Protection Act, and sets forth procedures for review and copying of public records.

Reasons Supporting Proposal: Comply with statutory requirements.

Name of Agency Personnel Responsible for Drafting and Implementation: Jim Hammond, 605 Woodland Square Loop S.E., P.O. Box 41185, Lacey, WA 98504-1185, 407-0050; and Enforcement: Bernie Dochnahl, 605 Woodland Square Loop S.E., P.O. Box 41185, Lacey, WA 98504-1185, 407-0039.

Name of Proponent: Washington Health Care Policy 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 assure agency compliance with the Administrative Procedure Act (chapter 34.05 RCW) and the Open Public Meetings Act and Open Records Act contained in chapter 42.17 RCW.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule describes the Washington Health Care Policy Board's organization, operations and procedures and does not impact businesses, large or small.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Auditorium, Medical Arts Center, Valley Medical Center, 4033 Talbot Road South, Renton, WA, on September 26, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Theresa Walker by September 19, 1995.

Submit Written Comments to: Washington Health Care Policy Board, P.O. Box 41185, Olympia, WA 98504-1185, FAX (360) 407-0069, by September 21, 1995.

Date of Intended Adoption: September 26, 1995.

August 21, 1995
Bernadene Dochnahl
Board Chair

WASHINGTON HEALTH CARE POLICY BOARD

Washington Administrative Code (WAC)
Chapter 243-01

Administration and Operations

Organization, Operations, and Procedures

NEW SECTION

WAC 243-01-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington Health Care Policy Board with the provisions of chapters 42.17 and 34.05 of the Revised Code of Washington (RCW).

NEW SECTION

WAC 243-01-020 Definitions. (1) "Board" means the Washington Health Care Policy Board and also refers to employees of the Board.

(2) "Public record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

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

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 243-01-030 Description of organizations. The Board is a public agency which exercises essential government functions. The Board consists of five full-time members appointed by the Governor; two members of the State Senate and two members of the State House of Representatives. One member is designated by the Governor as chair and serves at the pleasure of the Governor. The administrative office of the Board is located at the Employment Security Building, 605 Woodland Square Loop Southwest, Lacey, Washington.

NEW SECTION

WAC 243-01-040 Operations and procedures. (1) **Uniform procedure rules:** The Board's practices and procedures are governed by the Uniform Procedure Rules codified in WAC 1-08-005 through 1-08-590, as now or hereafter amended. The Board adopts these rules as its own, subject to any additional rules the Board may add from time to time. The Board reserves the right to make whatever determinations are equitable should any question covered by its rules come before the Board.

(2) **Board Meetings:**

(a) Regular public meetings of the board will be held pursuant to the schedule published periodically in the Washington State Register. The purpose of these meetings shall be to conduct the official, substantive business of the Board;

(b) Additional special public meetings necessary to discharge the official, substantive business of the Board may be called from time to time by the chair or by a quorum of the Board.

(c) Board staff meetings will be held pursuant to the schedule published annually in the Washington State Register. The purposes of these informal meetings are to deal with administrative matters, conduct briefings and other presentations, present status reports, share information among board members and staff, and determine processes for conducting Board business. These meetings will not involve public testimony, formal recommendations, substantive decisions on work program tasks, and other final actions, all of which will be addressed at regular and special board meetings.

(3) **Quorum:** Five voting board members shall constitute a quorum. The act of a majority of the voting board members present at any meeting, if there is a quorum, shall be deemed the act of the Board. **PROVIDED:** that three of the five members appointed by the governor in accordance with section 9, chapter 265, Laws of 1995, shall constitute a quorum for purposes of carrying out the managed competition - competitive oversight duties prescribed in RCW 43.72.310.

(4) **Minute of meetings:** Minutes shall be kept of the proceedings of the Board.

(5) **Rules of order:** The Board shall generally follow Robert's Rules of Order, newly revised, in conducting its regular and special meetings.

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

NEW SECTION

WAC 243-01-050 Board activities exempt from the Environmental Protection Act. The Board has reviewed its authorized activities and has found them to be exempt pursuant to chapter 43.21c RCW.

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.

Public Records**NEW SECTION**

WAC 243-01-060 Public records available. All public records of the Board are deemed to be available for public inspection and copying at the Board's administrative office pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

NEW SECTION

WAC 243-01-070 Public records officer. The Board's public records shall be under the charge of the public records officer designated by the Board chair. The person so designated shall be responsible for implementing these rules and regulations regarding the release of public records, and generally for ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW and, in particular, RCW 42.17.250 through .340.

NEW SECTION

WAC 243-01-080 Office hours. Public records shall be available for inspection and copying at the Board's administrative office, from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Mondays through Fridays, excluding legal holidays.

NEW SECTION

WAC 243-01-090 Requests for public records. In accordance with the provisions of chapter 42.17 RCW requiring agencies to prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records of the Board may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures:

- (1) A request shall be made in writing upon a form prescribed by the Board which shall be available at its administrative office. A completed form shall be presented to any member of the Board staff at the Board's administrative office during customary office hours. The request shall include the following information:
 - (a) The name, mailing address, and telephone number of the person requesting the record and the organization represented, if any.
 - (b) The time of day and calendar date on which the request was made.
 - (c) A description of the material requested.
 - (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.
 - (e) If the requested matter is identifiable by reference to a current index, an appropriate identification of the record requested.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the Board or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 243-01-100 Responses to requests for public records. Within five business days of receiving a public records request, the Board must respond by either:

- (1) providing the records;
- (2) denying the public records request; or
- (3) acknowledging that the Board has received the request and providing a reasonable estimate of the time the board will require to respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public records request that is unclear, the Board may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Board need not respond to it.

NEW SECTION

WAC 243-01-110 Copying. No fee shall be charged for the inspection of public records. The Board shall charge 25 cents per page for providing copies or duplications of public records, and for use of the Board's photocopy equipment. The charge is the amount necessary to reimburse the Board for its actual copying costs. When copying or duplication of non-standard items is requested, the fee charged will reflect the total cost, including the time of Board personnel.

NEW SECTION

WAC 243-01-120 Exemptions. (1) The Commission reserves the right to determine that a public record requested in accordance with the procedures outlined in this chapter is exempt under the provisions of RCW 42.17.310, including, but limited to, the following:

- (a) Personal information in files maintained for board members and employees of the Board to the extent that disclosure would violate their right to privacy;
 - (b) Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the Board in connection with any Board action;
 - (c) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
 - (d) The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
- (2) Pursuant to RCW 42.17.260, the Board reserves the right to delete identifying details when it makes available or publishes any public records in all cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Board will fully justify such deletion in writing.
- (3) All public records otherwise exempt by law shall be considered exempt under these rules

PROPOSED

NEW SECTION

WAC 243-01-130 Review or denial of public records requests. Any person who objects to a denial of a public records request or who objects to the reasonableness of the estimate of the time the Board requires to respond to a public records request, shall petition the superior court in the county in which the record is maintained under the provisions of RCW 42.17.340.

NEW SECTION

WAC 243-01-140 Protection of public records. In order to protect the public records in the custody of the Board, the following guidelines shall be followed by any person inspecting such public records:

(1) No public records shall be removed from the Board's administrative office;

(2) Inspection of any public records shall be conducted in the presence of a board member or a member of the board staff;

(3) No public record may be marked or defaced in any manner during inspection;

(4) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by a board member or a member of the board staff; and

(5) Access to file cabinets, shelves, vaults, and other storage locations is restricted to board members and staff.

NEW SECTION

WAC 243-01-150 Records index. (1) The Board shall make available to all persons a current index which provides identifying information for records which have been issued, adopted, or promulgated, as follows:

(a) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the Board;

(b) Administrative staff manuals and instructions to staff that affect any member of the public;

(c) Board planning policies and goals, and interim and final planning decisions;

(d) Staff, consultant, and scientific reports and studies and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(e) Correspondence and materials referred to therein relating to any regulations, supervisory, or enforcement responsibilities of the Board.

(2) The current index promulgated by the Board shall be available for inspection by all persons under the same rules and on the same conditions as are applied to public records available for inspection.

WSR 95-17-115
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed August 23, 1995, 11:01 a.m.]

Continuance of WSR 95-10-096.

Preproposal statement of inquiry was filed as WSR 95-08-004.

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

Purpose: (1) To conduct a referendum as required for the approval of an order under chapter 15.65 RCW to determine if the affected producers desire that the order be terminated on December 31, 1995, or continue in full force and effect beyond said date; and (2) to amend the number of affected producer board members from seven to five.

Date of Intended Adoption: October 18, 1995.

August 23, 1995

William E. Brookreson

Assistant Director

WSR 95-17-121**PROPOSED RULES****INSURANCE COMMISSIONER'S OFFICE**

[Filed August 23, 1995, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-043.

Title of Rule: Repeal of WAC sections that are outdated or superseded.

Purpose: To eliminate outdated and superseded sections of Title 284 WAC.

Other Identifying Information: Insurance Commissioner Matter No. R 95-8.

Statutory Authority for Adoption: RCW 48.02.060, 48.02.160, 48.05.340, 48.18.100, 48.32.080, 48.44.050.

Statute Being Implemented: RCW 48.02.060, 48.02.-160, 48.05.340, 48.18.100, 48.32.080, 48.44.050.

Summary: Regulations pertain to risk based capital (WAC 284-13-310 through 284-13-420) which were codified as chapter 83, Laws of 1995. Outdated regulations (WAC 284-14-010 and 284-14-020, 284-32-010 through 284-32-200, 284-48-020, and 284-44-170 are being repealed.

Reasons Supporting Proposal: Eliminates outdated or superseded sections of Title 284 WAC.

Name of Agency Personnel Responsible for Drafting: Kacy Brandeberry, Insurance Building, Olympia, (360) 664-3790; Implementation and Enforcement: John Woodall/Pat Musick, Insurance Building, Olympia, 753-7303/664-2093.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Eliminate outdated and superseded sections of Title 284 WAC.

Proposal does not change existing rules. Eliminates outdated or superseded sections of Title 284 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule only eliminates outdated and superseded sections of Title 284 WAC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a "significant legislative rule" to which section 201 applies. It adopts no substantive provision of law; establishes no policy or program; and makes no substantive change.

Hearing Location: Insurance Commissioner's Office, Insurance Building, 2nd Floor Conference Room, Olympia, WA 98504-0255, on September 26, 1995, at 9:30.

Assistance for persons with disabilities: Contact Lori Malabed by September 22, 1995, TDD (360) 491-8503, or (800) 883-6384.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, electronically at 73303.700@compuserve.com, FAX (360) 586-3535, by September 22, 1995.

Date of Intended Adoption: September 26, 1995.

August 23, 1995

Deborah Senn
Insurance Commissioner

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-13-310 Definitions.
- WAC 284-13-320 RBC reports.
- WAC 284-13-330 Company action level event.
- WAC 284-13-340 Regulatory action level event.
- WAC 284-13-350 Authorized control level event.
- WAC 284-13-360 Mandatory control level event.
- WAC 284-13-370 Hearings.
- WAC 284-13-380 Confidentiality and prohibition on announcements.
- WAC 284-13-390 Supplemental provisions.
- WAC 284-13-400 Foreign and alien insurers.
- WAC 284-13-410 Notices.
- WAC 284-13-420 Phase-in provision.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 284-14-010 Filing fee for rates and forms.
- WAC 284-14-020 Filing transmittal information.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 284-32-010 Purpose.
- WAC 284-32-020 Board of directors.
- WAC 284-32-030 Officers of board.
- WAC 284-32-040 Quorum, votes required, proxies.
- WAC 284-32-050 Annual meetings.
- WAC 284-32-060 Board's annual meeting.
- WAC 284-32-070 Meeting after notice of insolvency.
- WAC 284-32-080 Other meetings.
- WAC 284-32-090 Expenses of board members.
- WAC 284-32-100 Official address of association.
- WAC 284-32-110 Bank accounts, borrowing power.
- WAC 284-32-120 Board may levy fee.
- WAC 284-32-130 Contract with servicing facility.

WAC 284-32-140

Claim settlements of one hundred fifty thousand dollars or more.

WAC 284-32-150

Prevention of insolvencies.

WAC 284-32-160

Records, reports, audit.

WAC 284-32-170

Appeal.

WAC 284-32-180

Indemnification.

WAC 284-32-190

Conformity to statute.

WAC 284-32-200

Effective date.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-48-020

Authority of agents v. brokers: (1) Brokers of record, (2) marketing substandard auto, (3) rejected life and disability.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-170

Minimum required anticipated loss ratio.

**WSR 95-17-122
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 23, 1995, 11:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-24-087 and 95-14-025.

Title of Rule: Repealing and adopting rules relating to commercial ferries. WUTC Docket No. TS-941485.

Purpose: To bring rules into conformity with recent statutory amendments and a formal attorney general opinion; to streamline regulatory process; and to update rules.

Statutory Authority for Adoption: RCW 80.01.040(4); 81.84.070; chapter 427, Laws of 1993; chapter 361, Laws of 1994.

Statute Being Implemented: Chapter 427, Laws of 1993; chapter 361, Laws of 1994.

Summary: Updates rules; brings rules into conformity with statutes and formal attorney general opinion; and streamlines regulatory process.

Reasons Supporting Proposal: Statutory changes and formal attorney general opinion made prior rules obsolete.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 1300 South Evergreen Park Drive S.W., Olympia, 98504, (360) 753-6451.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal of existing chapter: In reviewing the

PROPOSED

existing commercial ferry rule, chapter 480-50 WAC, in light of changes required to conform with statutes and a formal attorney general opinion, it became apparent that very extensive changes would be required and that the result would remain somewhat difficult to follow. Therefore, to allow reorganization into a more user-friendly format and to better accommodate the required changes, the commission is proposing to repeal the existing chapter, reorganizing the existing provisions and adding required changes in a new chapter, chapter 480-51 WAC.

WAC 480-51-010, this proposed rule streamlines regulatory process and provides for a measure of regulatory flexibility. It would allow the commission in its discretion, upon petition by a carrier, to grant exemptions from specific rules. The proposed rule recognizes that even when rules are fair and reasonable in general application, there may be instances when application to a specific company imposes an undue burden on that company or leads to a consequence that outweighs the purpose of the rule, particularly when the purpose of the rule can be met by other means. The same provision has worked effectively in rules governing other regulated industries.

WAC 480-51-020, this proposed rule contains general definitions of terms used in the chapter.

WAC 480-51-022, this proposed rule defines the types of service exempt from regulation. It mirrors language from the 1995 legislation.

WAC 480-51-025, this proposed rule states that commercial ferry operators must comply with all pertinent state and federal rules and laws. It also clarifies that commercial ferry operators currently holding unrestricted commercial ferry authority already have inherent in that authority the right to provide excursion service. It further states that carriers may apply to the commission for certificates limited to "Commercial Ferry Service Consisting of Excursion Service."

WAC 480-51-030, this proposed rule lists documents and fees that must accompany various types of applications submitted to the commission. It also contains language clarifying requirements for filing transfer applications when a party acquires controlling interest in an already existing certificate.

WAC 480-51-040, this rule defines the processes for notifying existing carriers and other interested persons when new applications are filed; filing of protests to applications; and contemporaneous or overlapping applications.

WAC 480-51-050, this proposed rule implements the portion of the 1993 legislation allowing the commission to grant certificates to provide commercial ferry service within the ten-mile restricted area specified in RCW 47.60.120. It defines the process for notice to interested parties; filing of protests; hearings; certificate language when waivers are granted; and process for waivers becoming permanent at the end of a five-year period.

WAC 480-51-060, this proposed rule defines the process for granting of temporary certificates, a new provision under the 1993 law. It is based on existing processes for granting temporary authority in other industries.

WAC 480-51-070, this proposed rule states the minimum liability and property damage insurance limits that are set in the statute. It requires that all certificated commercial ferry operators and those common carrier (noncertificated but

regulated) ferry operators who transport passengers are required to file proof of insurance with the commission. The proposed rule provides that a surety bond may be filed in lieu of a certificate of insurance. The proposed rule further sets out the requirement for keeping insurance filings current and the process for suspending and/or cancelling registrations and certificates for failure to maintain insurance.

WAC 480-51-075, this proposed rule relates to vessel safety. It states that no commercial ferry company may operate a vessel until and unless that vessel has been inspected by the proper agency (Coast Guard or Department of Labor and Industries, Marine Division) and found to be safe and seaworthy for its intended purpose. To streamline regulatory process, commercial ferry operators will not be required to file the inspection forms with the commission. Copies will instead be maintained in carrier files. Periodically the commission may include, on a report required by statute, a paragraph in which the operator certifies that all of its vessels have been inspected and the inspection certificates are on file as required.

WAC 480-51-077, the proposed rule sets up a registration program for noncertificated common carriers. Under RCW 81.84.010(1), if a vessel earns less than ten percent of its gross annual revenues from transporting passengers or vehicles, the vessel is not required to obtain a certificate from the commission. Such vessels are noncertificated or common carrier vessels. An attorney general's opinion (AGO 92-7) stated that persons operating noncertificated or common carrier vessels must follow statutory requirements in chapter 81.28 RCW concerning common carriers. In particular, the opinion specified that common carrier vessels must file tariffs and pay regulatory fees to the commission. There will be no application filing fee as the rule is designed merely to identify noncertificated carriers. There will be no fee for registration. This proposed rule clarifies application of the law to this segment of the industry, consistent with the existing statutory language and the attorney general opinion.

WAC 480-51-080, this proposed rule reflects the process, contents and the format of tariffs to be filed by both certificated and noncertificated operators.

WAC 480-51-090, this proposed rule defines the process and format for filing of time schedules by all certificated ferries except launch services. The rule clarifies that launch services do not need to file time schedules when they operate in "on call or on demand service."

WAC 480-51-100, this rule establishes the requirements for filing annual reports by both certificated and noncertificated operators.

WAC 480-51-110, this rule specifies a uniform system of accounts to be used by certificate holders and sets forth the requirement that noncertificated common carrier ferry operators must maintain accounts sufficient to allow calculation of gross revenue earned in providing service and to complete required reports.

WAC 480-51-120, this proposed rule implements the portions of the 1993 legislation that require companies granted authority to establish service within specific time frames. It also defines the terms "initiation of service" and "failure to initiate service."

WAC 480-51-130, this proposed rule requires that certificate holders notify the public and the commission and obtain commission permission prior to discontinuing service.

It further limits permitted discontinuances to periods not to exceed twelve months.

WAC 480-51-140, this proposed rule, related to temporary interruptions of service, is unchanged from its existing counterpart in chapter 480-50 WAC. It provides that the operator must notify the commission if service is to be interrupted for a period of more than twenty-four hours.

WAC 480-51-150, this proposed rule defines the process for cancellation, revocation, suspension, alteration or amendment of certificates and registrations and defines the instances in which such actions would be taken. The rule also defines a process for handling of complaints against commercial ferry operators.

Proposal Changes the Following Existing Rules: Repeals existing chapter and recodifies existing provisions with changes and additions as noted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule making imposes no new regulatory burdens on existing regulated industry. It implements recent statutory amendments and formalizes coverage of existing statutory provisions on a small number of additional businesses in conformity with official attorney general opinion AGO 92-7.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency is exempt from automatic application of the statute.

Hearing Location: Washington Utilities and Transportation Commission, Room 250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by September 13, 1995, TDD (360) 586-8203, or (360) 753-6447.

Submit Written Comments to: Steve McLellan, Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150, by September 13, 1995.

Date of Intended Adoption: September 27, 1995.
August 22, 1995
Steve McLellan
Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 480-50-010 Definitions.
- WAC 480-50-020 General operation.
- WAC 480-50-030 Applications.
- WAC 480-50-035 Notice of application; protests; contemporaneous applications.
- WAC 480-50-040 Tariffs.
- WAC 480-50-050 Freight classification.
- WAC 480-50-060 Time schedules.
- WAC 480-50-070 Suspension of service.
- WAC 480-50-080 Accounts.
- WAC 480-50-090 Annual reports.
- WAC 480-50-100 Fees.
- WAC 480-50-110 Discontinuance.
- WAC 480-50-120 Failure.
- WAC 480-50-130 Cancellation.

WAC 480-50-140 General.

**Chapter 480-51 WAC
COMMERCIAL FERRIES**

NEW SECTION

WAC 480-51-010 General. (1) Commercial ferries shall comply with the terms of this chapter in addition to rules prescribed by the commission for public service companies in general.

(2) This chapter is subject to such exceptions as the commission may consider just and reasonable in individual cases.

(3) Application for exception to any of the rules of this chapter shall be made in accordance with the following:

(a) Application must be directed to the commission at its Olympia headquarters office;

(b) The application must be legibly presented on 8-1/2 inch by 11 inch paper, on one side of each sheet only;

(c) The applicant must identify the rule to which exception is sought and give a full explanation of the reasons for requesting the exception.

NEW SECTION

WAC 480-51-020 Definitions. For the purposes of these rules, the following definitions shall apply:

(1) The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

(2) The term "certificated commercial ferry" means a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.

(3) The term "common carrier ferry vessel" means a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.

(4) The term "vessel" includes every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(5) The term "transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

(6) The term "transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and that passenger's baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

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(7) The term "for hire" means transportation offered to the general public for compensation.

(8) The term "transfer" means sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.

(9) The term "launch service" means transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.

(10) The term "person" means any natural person or persons or any entity legally capable of taking any action.

(11) The term "published schedule" means a time schedule that is published by the certificate holder and filed with the commission in accordance with the provisions of WAC 480-51-090.

(12) For the purposes of these rules, where the terms "United States Coast Guard" and/or "Coast Guard" are used, the term "Washington state department of labor and industries, marine division" shall be substituted if the commercial ferry boat operates on Washington state waterways not subject to Coast Guard regulation or if the vessel itself is subject to department of labor and industries, marine division, rules and regulations rather than those of the United States Coast Guard.

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

(15) The term "fixed termini" means the starting and ending points of a vessel's voyage, at which passengers or freight begin or conclude their transportation.

(16) The term "intermediate point" means a designated point along a commercial ferry's regular route at which the vessel stops according to its schedule to take on or off-load passengers or freight.

NEW SECTION

WAC 480-51-022 Exempt vessels and operations.

The rules of this chapter do not apply to the following vessels or operations:

- (1) Charter services;
- (2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;
- (3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;
- (4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

NEW SECTION

WAC 480-51-025 General operation. (1) Commercial ferries must comply with all pertinent federal and state laws, chapter 81.84 RCW, and the rules of this commission.

(2) No certificated commercial ferry shall provide service subject to the regulation of this commission without first having obtained from the commission a certificate declaring that public convenience and necessity require, or will require, that service.

(3) No company may operate any vessel providing excursion service subject to the regulation of this commission over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(4) Any operator holding unrestricted commercial ferry authority may provide excursion service on an existing route without the need to obtain additional authority. The commission may restrict grants of commercial ferry authority to operations in excursion service.

(5) Any certificate of public convenience and necessity obtained by any false affidavit, statement or misrepresentation shall be subject to revocation and cancellation by this commission.

NEW SECTION

WAC 480-51-030 Applications. (1) A person desiring to operate as a certificated commercial ferry, to operate vessels providing excursion service, to acquire a controlling interest in or to transfer any certificate shall file with the Washington utilities and transportation commission an application for a certificate of public convenience and necessity on a form furnished by the commission. Applications shall include, but are not limited to the following:

- (a) Pro forma financial statement of operations;
- (b) Ridership and revenue forecasts;
- (c) The cost of service for the proposed operation;
- (d) An estimate of the cost of the assets to be used in providing service;
- (e) A statement of the total assets on hand of the applicant that will be expended on the proposed operation; and
- (f) A statement of prior experience, if any, in providing commercial ferry service.

(2) Certificate holders wishing to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property in this state shall comply with chapter 81.08 RCW, as amended, and with all pertinent commission rules.

(3) Application fees:

Original application for certificate	\$200.00
Application for extension of certificate	200.00

Application to transfer a certificate 200.00
 Application for issuance of a duplicate certificate 3.00
 Application for temporary certificate 200.00

NEW SECTION

WAC 480-51-040 Notice of application—Protests—Contemporaneous applications. (1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

(2) If any person wishes to seek authority which overlaps, in whole or in part, with that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission's headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

- (a) The portions to be heard do not overlap a prior pending application; and
- (b) The overlapping portions may appropriately be severed from the portions to be heard.

NEW SECTION

WAC 480-51-050 Waiver of ten-mile restriction. (1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made

and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

- (a) Transportation congestion mitigation;
- (b) Air quality improvement; and
- (c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) **Effective period of waiver.**

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(6) **Certificates containing waiver.** Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

"Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date."

NEW SECTION

WAC 480-51-060 Temporary certificates. (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and

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immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested temporary certificate, the commission will consider evidence of the following factors:

- (a) An immediate and urgent need for the requested service;
- (b) Any available service capable of meeting the need;
- (c) The fitness of the applicant; and
- (d) Any other circumstance indicating that a grant of temporary authority is consistent with the public interest.

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

- (a) The application fee;
- (b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;
- (c) Evidence of proper insurance as required by WAC 480-51-070;
- (d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party, or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(9) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(10) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(11) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(12) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(13) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(14) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(15) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(16) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(17) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(18) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(19) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(20) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(21) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(22) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(23) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(24) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(25) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

(26) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

a company authorized to write such insurance or bond in the state of Washington, covering each vessel to be used under the certificate or registration granted. Coverage shall be for not less than the following amounts:

- \$100,000 for any recovery for personal injury by one person, and
- \$1,000,000 for all persons receiving personal injury and property damage by reason of one act of negligence, and
- \$50,000 for damage to property of any person other than the insured, or
- \$1,000,000 combined bodily injury and property damage liability insurance.

(b) Evidence of insurance shall be submitted on either a certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverage as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the operator must file the required certificate of insurance.

(c) Form of surety bond.

"Know all persons by these presents:

That we _____ of the City of _____, State of Washington, as principal, and _____ a corporation organized and existing under and by virtue of the Laws of the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum or lawful money of the United States of America, upon each and every vessel operated by the principal herein in the amounts as set out in the schedule above for the payment of which well and truly to be made, do hereby bind ourselves, or heirs, executors, administrators, successors and assigns, severally by these presents.
Signed, sealed and dated this ____ day of ____ 19__.

This bond is written in pursuance of and is to be construed in accordance with chapter 81.84 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operations of any and all vessels operated by the company (principal herein) under and by virtue of its certificate or registration granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

- \$100,000 for any recovery for personal injury by one person and
- \$1,000,000 for all persons receiving personal injury and property damage by reason of one act of negligence, and
- \$50,000 for damage to property of any person other than the insured, or
- \$1,000,000 combined bodily injury and property damage liability.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provision of chapter 81.84 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of vessels in transporting persons and property for compensation, under its Certificate of Public Convenience and Necessity or registration issued by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until thirty (30) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

Principal

Surety"

(2) **Insurance, continuance of.** Proper evidence of continued insurance or surety bond shall be filed with the commission not less than ten days prior to the termination date of coverage then on file so there is no question of continuous coverage as required by law.

(3) **Insurance termination.**

(a) All insurance policies issued under the requirements of chapter 81.84 RCW shall provide that the coverage shall continue in full force and effect unless and until cancelled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company. The thirty days' notice period runs from the date the notice is actually received by the commission. Exception: Binders may be cancelled on ten days' written notice.

(b) Notice of cancellation or expiration shall be submitted in duplicate and shall not be submitted more than sixty days before the intended termination date, except that binders may be cancelled by written notification from the insurance agency or insurance company on ten days' written notice.

(4) **Involuntary suspension—Cancellation.**

(a) **Involuntary suspension.** No certificate holder and no registered passenger-carrying common carrier may operate in this state without the required insurance. Any certificate holder or registered passenger-carrying common carrier who fails to maintain evidence that its insurance is in current force and effect shall have its certificate or registration suspended by operation of law beginning with the time of the failure.

(i) A person whose certificate or registration is suspended may secure reinstatement of the same by correcting conditions leading to suspension.

(ii) A certificate or registration holder may contest suspension by requesting a brief adjudication or an adjudication.

(iii) The suspension shall last until the cause of the suspension is cured and the certificate or registration is reinstated or until the certificate or registration is cancelled.

(b) **Cancellation.**

(i) The commission may cancel a certificate or registration for failure to demonstrate that the holder has corrected the conditions leading to suspension with the time defined in the order of suspension.

(ii) The commission will hold a hearing prior to canceling a certificate or registration, except when cancellation results from failure to correct causes of a suspension in which an adjudicative or brief adjudication was held or was available to the certificate or registration holder.

(5) All persons holding certificates on the effective date of this rule shall, within sixty days of the effective date, file evidence of proper insurance with the commission.

NEW SECTION

WAC 480-51-075 Safety. (1) No commercial ferry shall operate any vessel that has not been inspected by the United States Coast Guard and certified to be safe and seaworthy for its intended operation.

(2) Each commercial ferry shall maintain in its main office a copy of the most current certificate issued for each vessel operated.

(3) The commission may periodically require commercial ferry operators to provide proof that each vessel operated has been inspected and found to be safe and seaworthy. Such proof may be contained on the annual report form required by WAC 480-51-100.

(4) No commercial ferry shall augment its fleet with a vessel leased, borrowed, or obtained from another party unless the commercial ferry operator first obtains proof that the vessel has been inspected within the past twelve months and found to be safe and seaworthy for its intended purpose. A copy of the inspection certificate must be maintained in the commercial ferry operator's files for a period of not less than twelve months following use of such vessel.

NEW SECTION

WAC 480-51-077 Operators of common carrier ferry vessels—Registration—Regulations. (1) No person shall operate a common carrier ferry vessel without first having registered with the commission and filing a tariff in accordance with the provisions of WAC 480-51-080. Registration to be made on forms supplied by the commission. Operators of passenger-carrying common carrier ferry vessels must provide evidence of insurance as required by WAC 480-51-070.

(2) Any person who operates a common carrier ferry vessel shall be required to submit annual reports and regulatory fees in accordance with the provisions of WAC 480-51-100.

(3) Operators of common carrier ferry vessels shall maintain accounts in accordance with the provisions of WAC 480-51-110.

(4) Any person operating a common carrier ferry vessel on the date this rule is adopted must file a registration application within sixty days of the effective date of the rule.

NEW SECTION

WAC 480-51-080 Tariffs. (1) All commercial ferries shall file with the commission tariffs containing fair, just and reasonable rates governing the transportation services to be provided.

(a) Pursuant to Article 12, section 12 of the Washington Constitution and RCW 81.28.180 and 81.28.190, rates contained in commercial ferry tariffs must be nondiscriminatory and nonpreferential.

(b) Tariffs may provide for variations within a band of rates, and may provide for exceptions and conditions in defined circumstances.

(2) Operators of commercial ferries shall prepare, publish, file and reissue their tariffs in accordance with the provisions of the commission's Tariff Circular No. 6.

(3) Tariffs must be issued in the registered name of the operator and must show its certificate or registration number.

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(4) Tariffs must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

NEW SECTION

WAC 480-51-090 Time schedules. Each certificate holder, excluding launch services, shall publish and file with the commission, time schedules showing all service given under their certificate and the manner in which it is available, as follows:

(1) Time schedules shall be typewritten or printed on 8-1/2 x 11 inch paper.

(2) The title page of each time schedule must show the following (see sample time schedule in subsection (8) of this section):

(a) A consecutive number in the upper right hand corner, indicating the number of the current version of the time schedule (beginning with Number 1), and must show the number of the time schedule cancelled thereby, if any.

(b) The name of the certificate holder, approved trade name under which operation is conducted, and the number of the certificate.

(c) The termini or points between which the time schedule applies, briefly stated.

(d) A definite statement of the regular route or routes traversed including all intermediate stops and the names and locations of all docks and landings used along the route.

(e) The date when the time schedule is issued, posted and filed with the commission and the date when the time schedule is to become effective.

(f) The name, title and address (including both street address and mailing address, if different from street address) of the official issuing the time schedule.

(3) Time schedules must show (see sample time schedule in subsection (8) of this section):

(a) The time of **Arrival** and **Departure** at and from all **Termini**.

(b) The time of **Departure** from intermediate points between **Termini**.

(c) The **Days** upon which each trip will be given.

(d) The **Distance** between all points shown in the schedule.

(e) Any limitations of service contained in the certificate and any restriction or limitation of the service given at or between the points shown as served.

(4) At least one copy of each time schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(5) Two copies of each time schedule shall be filed with the commission at its Olympia headquarters on or before the date shown as the date of its issuance.

(6) Changes in the operation under a certificate which affect in any way the information or service shown in the time schedule then in effect must be made only after a new time schedule has been issued and been made effective as follows:

(a) A new time schedule must be issued, bearing the next consecutive number, and stating the number of the time

schedule cancelled thereby as provided in subsection (2) of this section, as for example:

*"Time Schedule No. 2
cancels
Time Schedule No. 1"*

(b) **Notice period required.** Copies of the new time schedule shall be posted and filed, in accordance with subsections (3) and (4) of this section, at least fifteen days before the effective date thereof. Exception: If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one full day before the effective date and advance notice to the public will not be required.

(c) After such fifteen days, the new time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

(d) The commission may, prior to the effective date of a new time schedule, on its own motion, or on the filing of a sufficient protest by any person or persons affected, order such time schedule withdrawn, modified or suspended.

(e) In case of actual emergency or when real merit is shown, the commission may, in its discretion, permit such time schedule to become effective on less than fifteen days notice.

(7) Time schedules as filed with the commission and posted for the information of the public must be adhered to.

(8) Sample time schedule:

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*Time Schedule No. 2
cancels
Time Schedule No. 1*

*TIME SCHEDULE
of
NELS PETERSON*

Certificate No. 500

*Operating Under Trade Name of
PUGET FERRIES
Furnishing
passenger, freight and ferry service
Between
PONSEND, Washington, and BELL, Washington
via
CORTANA
With terminals at*

*PONSEND: Puget Dock, Foot of Puget St.
CORTANA: Dock at 912 Water St.
BELL: Pier 4, Foot of Victoria Way*

Issued January 1, 1995

Effective January 16, 1995

*Issued by J. B. Doe, Manager
912 Water Street
Cortana, Washington*

PROPOSED

		<i>Northbound (Daily, except Sunday)</i>			
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>	
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>	
0.0	Lv. PONSEND	7:30	2:30	5:30	
18.5	Lv. CORTANA	8:45	3:45	6:45	
32.5	Ar. BELL	9:30	4:30	7:30	
		<i>Southbound (Daily Except Sunday)</i>			
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>	
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>	
0.0	Lv. BELL	10:00	5:00	8:00	
14.0	Lv. CORTANA	10:45	5:45	8:45	
32.5	Ar. PONSEND	12:00	7:00	10:00	

Note 1: :In bad weather landing will be made at Long Cove Dock instead of Cortana.

Note 2: Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement..

NEW SECTION

WAC 480-51-100 Annual reports—Regulatory fees.

(1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed not later than May 1st of the succeeding year.

(2) Persons operating commercial ferries shall on or before the first day of May of each year file with the commission a statement showing the gross operating revenue of the company for the preceding calendar year. The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.030 based upon such gross operating revenue and in an amount to be fixed each year by order of the commission.

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report, a statement of the gross operating revenue, and the gross operating revenue fee as required by this section must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

NEW SECTION

WAC 480-51-110 Accounts.

(1) The accounts and records of certificate holders shall be kept in accordance with the commission's "uniform classification of accounts and statistics for water transportation companies" including all current supplements, amendments, revisions and reissuances.

(2) The accounts, records and statistics of certificate holders must be kept reasonably up-to-date to disclose at all times the information and data required to be kept.

(3) Operators of common carrier ferry vessels shall maintain accounts, books and records sufficient to allow calculation of the gross revenue earned in providing passenger and vehicle water transportation services and sufficient to complete annual reports as required in WAC 480-51-100.

NEW SECTION

WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports.

(1) **Progress reports.**
 (a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) Extensions of time to initiate service.

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) Failure to initiate service. Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84-.060(1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submit-

ted timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) Petitions for extension of time to initiate service.

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

NEW SECTION

WAC 480-51-130 Indefinite discontinuance of service. No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

NEW SECTION

WAC 480-51-140 Temporary interruptions of service—Suspension of service. (1) Certificate holders shall report promptly in writing to the commission, and to the public along the route, all interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours. Said report to include a full statement of the cause of such interruption and its probable duration.

(2) Discontinuance or suspension of service by a certificate holder for a period of five consecutive days without notice to the commission shall be deemed a forfeit-

ture of all right secured under and by virtue of any order or permission to operate, issued by the commission: *Provided, however,* That the commission may permit the resumption of operation after such five-day discontinuance or suspension, on proper showing that the certificate holder was not responsible for the failure to give service or notice.

NEW SECTION

WAC 480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission. (1) Upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, the commission may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter for any of the following grounds:

(a) Violation of an order, decision, rule, regulation, or requirement established by the commission or the requirements of law;

(b) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(c) Failure of the certificate holder to file an annual report;

(d) Filing by the certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(e) Violation of any provision of this chapter;

(f) Violation of or failure to observe the provisions or conditions of the certificate, tariffs or filed time schedule;

(g) Failure of the certificate holder to maintain the required insurance coverage in full force and effect; or

(h) Failure or refusal to furnish reasonable and adequate service after initiating service.

(2) The commission shall institute an investigation upon receipt of a complaint by an interested party to determine whether the complaint has merit.

(3) Within thirty days of a finding that a complaint filed by an interested party has merit and that the certificate holder is in violation, or upon its own finding that the certificate holder is in violation, as described in subsection (1)(a) through (h) of this section, the commission shall take appropriate action to cancel, revoke, suspend, alter or amend the certificate. The commission shall notify the certificate holder of the action to be taken, and shall at the same time offer the certificate holder an opportunity for hearing through an adjudication or brief adjudication.

**WSR 95-17-124
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 23, 1995, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-14-135.

Title of Rule: Amending the jurisdictional threshold for water company regulation in WAC 480-110-023. WUTC Docket No. UW-950746.

Purpose: The purpose of this proposal is to implement RCW 80.04.010 by increasing the jurisdictional revenue threshold for water company regulation by the commission.

Statutory Authority for Adoption: RCW 80.04.010, 80.01.040.

Statute Being Implemented: RCW 80.04.010.

Summary: RCW 80.04.010 allows the commission to increase the jurisdictional revenue threshold for water companies by the annual implicit price deflator as determined by the United States Department of Commerce. WAC 480-110-023 was last amended in 1992, at which time the threshold was changed to \$379 per customer per year. The 1995 review of the rule determined that the appropriate new level using the statutory formula is \$418 per customer per year. This amount calculates the annual effect of deflator from 1992 through 1994.

Reasons Supporting Proposal: The proposal increases the jurisdictional revenue threshold for water companies to maintain the threshold in constant dollars at the level established by statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 1300 South Evergreen Park Drive S.W., Olympia, WA, (360) 753-6451.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal increases the jurisdictional per-customer revenue threshold for water companies from \$379 to \$418, consistent with statutory authorization. It is designed to maintain in constant dollars the level of per-customer revenues that will require a water company to be subject to commission jurisdiction. The proposal is expected to maintain exemption from regulation for companies whose per-customer revenues are at or below the level of inflation designated by the legislature.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal imposes no costs on regulated industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency is exempt from mandatory application of the requirements of Section 201.

Hearing Location: Washington Utilities and Transportation Commission Hearing Room, Room 250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by September 13, 1995, TDD (360) 586-8203, or (360) 753-6447.

Submit Written Comments to: Steve McLellan, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150, by September 15, 1995.

Date of Intended Adoption: September 27, 1995.

August 22, 1995
Steve McLellan
Secretary

[AMENDATORY SECTION (Amending Order R-388, Docket NO. UW-921211, filed 5/27/93)]

WAC 480-110-023 Average customer revenue jurisdictional threshold. (1) Pursuant to RCW 80.04.010, the commission may increase annually the jurisdictional revenue threshold pertaining to water companies by reflecting the rate of inflation as determined by the implicit price deflator of the United States Department of Commerce.

(2) Calculated as specified in subsection (1) of this section, the average customer revenue jurisdictional threshold for water companies beginning on the effective date of this section is four hundred eighteen (~~three hundred seventy-nine~~) dollars.

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

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

**WSR 95-17-125
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 23, 1995, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-03-095.

Title of Rule: Repealing, amending, and adopting rules relating to motor carriers, chapter 480-12 WAC. WUTC Docket No. TV-941290.

Purpose: To reflect changes required by federal law.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: In 1994, the congress enacted and the president signed the Federal Aviation Administration Authorization Act of 1994, 103 P.L. 305; 108 Stat. 1569, preempting state economic regulation of motor carriers. This proposed rule action repeals, amends and adopts rules as required under federal law to conform Washington practice with federal law.

Reasons Supporting Proposal: The proposal is required to comply with federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 753-6451.

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

Rule is necessary because of federal law, 103 P.L. 305; 108 Stat. 1569.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal is designed to reflect changes in state authority that are required by 103 P.L. 305; 108 Stat. 1569, preempting most state authority to conduct economic regulation of motor carriers.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because these rules are required to comply with federal law, no small business economic impact statement is required to be filed. RCW 19.85.060.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington Utilities and Transportation Commission, Room 250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on November 8, 1995, at 9:00 a.m.

Assistance for persons with disabilities: Contact Cheryl Schlenker by October 25, 1995, TDD (360) 586-8203, or (360) 753-6447.

Submit Written Comments to: Paul Curl, Washington Utilities and Transportation Commission, Room 250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, FAX (360) 586-1150, by September 27, 1995.

Date of Intended Adoption: November 8, 1995.

August 22, 1995
Steve McLellan
Secretary

NEW SECTION

WAC 480-12-001 Supersession of this chapter. Most intrastate carriers of property for hire have been exempted from state economic regulation by operation of federal law. The commission has established chapter 480-14 WAC to comply with federal law effective January 1, 1995. Only carriers of household goods and common carrier brokers continue to be regulated under this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-12-075	Permit phraseology defined.
WAC 480-12-082	Terminal areas defined.
WAC 480-12-085	Common or contract carrier may not act as private carrier.
WAC 480-12-090	"Off-route points" defined.
WAC 480-12-095	"Intermediate points" defined.
WAC 480-12-105	Primary agricultural carriers.
WAC 480-12-110	Permit, must abide by—"Tacking"—Extension.
WAC 480-12-131	Interstate trip permits.
WAC 480-12-137	Private carriers.
WAC 480-12-140	Equipment, standby.
WAC 480-12-155	Equipment—Interchange of.
WAC 480-12-160	Disabled motor vehicles—Substitution.
WAC 480-12-181	Pole trailers.
WAC 480-12-195	Hazardous materials regulations.
WAC 480-12-196	Transportation of radioactive materials—Driving and parking rules.
WAC 480-12-205	Passengers—Carrying prohibited—Exceptions.

WAC 480-12-225	Advertising on equipment.
WAC 480-12-230	Service, scheduled, discontinuance of.
WAC 480-12-233	Agreements for pooling of freight.
WAC 480-12-240	Shipments on hand undelivered.
WAC 480-12-245	Commissions.
WAC 480-12-253	Continuing traffic study instituted—Requirements—Penalties.
WAC 480-12-260	Bills of lading.
WAC 480-12-305	Billing—Method to be used.
WAC 480-12-310	Gross shipment weight.
WAC 480-12-321	Log road classification—Must have.
WAC 480-12-322	Log shipments—Intrastate rates—Applicability.
WAC 480-12-380	Common carrier C.O.D. shipments—Bond required—Handling of shipments.
WAC 480-12-500	Definitions concerning recovered materials.
WAC 480-12-510	Application procedures for transportation of recovered materials.
WAC 480-12-520	Reporting requirements for transportation of recovered materials.

**Chapter 480-14 WAC
MOTOR CARRIERS, EXCLUDING HOUSEHOLD
GOODS CARRIERS AND COMMON CARRIER
BROKERS**

NEW SECTION

WAC 480-14-010 Purpose and application. The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter **except** carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

NEW SECTION

WAC 480-14-020 Rules, general application of rules—How changed. (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington state Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

NEW SECTION

WAC 480-14-030 Permits during interim period. The commission recognizes that federal law effective January 1, 1995, destroys prior intrastate common and contract carrier operating rights in all areas except household goods and transportation brokerage. Each carrier operating under an active common or contract carrier permit in existence as of December 31, 1994, ("1994 permit" for purposes of this rule) who chooses to continue in the business of transporting the property of others and who complies with pertinent law and regulation, and whose authority continues in good standing, will be entitled to a new permit identifying whether it is registered and insured as a carrier of hazardous materials, a carrier providing armored car service, a carrier of property other than hazardous materials, or all three. Because it was physically impossible to identify the proper documentation required for all existing carriers and have new permits distributed by January 1, 1995, the commission determines that an existing common or contract carrier permit that is valid on December 31, 1994, shall be recognized as an interim permit for the conduct of operations on and after January 1, 1995, as follows:

(1) A 1994 permit authorizing the transportation of any nonhazardous property shall be recognized as reflecting authority to transport general commodities.

(2) A 1994 permit authorizing transportation of both hazardous and nonhazardous materials will be recognized as reflecting the authority to transport general commodities. If the carrier verifies to the commission that it wishes to engage in transportation of hazardous materials and if the carrier verifies that it has the required insurance coverage, the permit will also reflect the authorization to transport hazardous materials.

(3) A 1994 permit authorizing armored car service will be recognized as reflecting the authority to transport general commodities. If the carrier verifies to the commission that it wishes to engage in providing armored car service, the permit will also reflect the authorization to provide armored car service.

(4) 1994 permits shall serve as evidence of authority only until the carrier receives its new permit or until July 15, 1995, whichever first occurs. A new permit will not be issued to a carrier whose permit is canceled or suspended.

(5) For the purposes of this rule, an active common or contract carrier permit does not include those carriers with suspended permits or carriers with unsatisfied safety penalties.

NEW SECTION

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

- (1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.
- (2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-12 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.
- (3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-12-990.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NEW SECTION

WAC 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-09-120 and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington. Applications for common carrier permits, or for extensions may be transmitted to any office of the commission for forwarding to the headquarters office of the commission at Olympia, but are not considered as served or filed until they are received at the Olympia office.

NEW SECTION

WAC 480-14-060 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "*North American Uniform Out-of-Service Criteria*" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on May 16, 1994.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters office of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

NEW SECTION

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—Adoption by reference. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

PROPOSED

PROPOSED

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

NEW SECTION

WAC 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) The commission shall by order establish a fee for the motor carrier rule book entitled, "Laws and Rules Related to Motor Carriers of General Commodities, Commodities Transported in Armored Cars and Hazardous Materials". The fee shall be set according to the estimated cost of compiling, printing, and distributing the rule book.

(a) The commission will give applicants for temporary or permanent permit authority who do not hold motor carrier authority issued by the commission one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission will charge its established rule book fee to other persons and for replacement or additional copies.

(2) Rule books may be purchased at any commission office. All fees must be prepaid.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. The commission shall establish and collect a fee for updates for other persons or additional copies.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year. The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers. The commission will also provide notification to every person who requests to be on its rule notification list for the topics desired. Proposed and adopted rules are also published in the *Washington State Register*, available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia. The commission welcomes comments on proposed rules.

NEW SECTION

WAC 480-14-090 Permits. (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

(3) **Replacement of lost permits.** Application for the issuance of a duplicate permit shall be in writing and accompanied by the appropriate fee. The commission shall establish, by order, a fee for replacement of lost permits. The fee to be set according to the estimated cost of producing, printing and mailing the replacement permit.

NEW SECTION

WAC 480-14-100 Operations must be under permit name. Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

NEW SECTION

WAC 480-14-110 Improper use of permit or registration receipt. The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

NEW SECTION

WAC 480-14-120 Address, change of. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

NEW SECTION

WAC 480-14-130 Remittances. (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

(2) Remittances in currency or coin are wholly at the risk of the remitter. The commission assumes no responsibility for loss of currency or coin sent by mail.

(3) All remittances must be made in U.S. funds.

NEW SECTION

WAC 480-14-140 Fees. Fees for applications shall be as follows:

Type of Application	Fee Applicable
Conversion of permits existing prior to January 1, 1995, to new permits	\$0
Change of name or business structure	\$50
Permanent common carrier operating authority	
Hazardous materials	\$450
General commodities	\$400
Armored car service	\$400
Extension of common carrier permit authority	
Hazardous materials	\$225
General commodities	\$200
Armored car service	\$200
Reinstatement of authority (within 6 months of cancellation)	
Hazardous materials	\$200
General commodities	\$200
Armored car service	\$200
Temporary common carrier authority	\$50 per vehicle (not to exceed \$250 per application filed on the same date)

NEW SECTION

WAC 480-14-150 Regulatory fee. (1) Every common motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is reduced by commission order.

NEW SECTION

WAC 480-14-160 Procedures for contest of fees. Any fee imposed by the authority of chapter 81.80 RCW shall be contested under RCW 81.80.115 by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

NEW SECTION

WAC 480-14-170 Periodic reporting requirements. The commission will require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. The report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year. The report will contain information including, but not limited to, the carrier's business structure, operating revenues, equipment placed in service, driver information, accident information and safety-related operating statistics.

NEW SECTION

WAC 480-14-180 Applications. (1) **Intrastate authority.**

(a) Applications to acquire temporary or permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the

commission precluded from finding that the information presented in the application is insufficient.

(2) **Interstate authority.** Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-14-250. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

NEW SECTION

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials. Applications for temporary authority are governed by WAC 480-14-200.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

NEW SECTION

WAC 480-14-200 Temporary common carrier permits. (1) The commission may issue temporary permits for authority to engage in common carrier operations for a period of up to ninety days. Application for temporary authority may be made to the commission or any of its duly authorized personnel. The application fee shall be as provided for in WAC 480-14-140.

(2) The commission may impose special terms and conditions in connection with the grant of any temporary permit.

PROPOSED

(3) A separate application shall be made for each vehicle the carrier is to operate under temporary authority.

(4) The term of the temporary authority shall not exceed the evidence of the carrier's currently effective liability and property damage insurance on file with the commission. If such evidence is not on file it must be submitted with the application. The evidence of insurance must cover each vehicle for which application is made and shall be for the limits provided for in WAC 480-14-250.

(5) Temporary permits may be authorized only when the vehicle and driver to perform the hauling under the temporary permit have passed a safety inspection by an authorized agent of the commission. The safety inspection may be waived for any vehicle displaying a valid CVSA inspection decal. Emergency substitution of a vehicle or driver authorized under a temporary permit may be made only after approval by authorized commission personnel.

(6) A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation or erroneous information from the applicant, or if it appears that operations under the permit pose a hazard to the public health, safety or welfare. Review of administrative cancellation is available at the carrier's request through a brief adjudicative proceeding pursuant to WAC 480-09-500, or, at the commission's discretion, an adjudication.

NEW SECTION

WAC 480-14-210 Change of carrier name and business structure. (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

NEW SECTION

WAC 480-14-220 Permits, cancelled—New application. When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within six months after date of cancellation.

If not filed within six months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

NEW SECTION

WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation. (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within six months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose for the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) In addition to or in lieu of penalties, suspension or cancellation, the commission may require a carrier to attend individual or group education regarding the subject of violations and may require the carrier to pay the reasonable cost of providing the education.

(c) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) **Involuntary suspension.**

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

PROPOSED

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) **Cancellation for cause.** The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) **Cancellation hearing prior to.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

NEW SECTION

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that

carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The commission shall, at no charge, grant reinstatement upon a showing of compliance with the requirements of the law governing operation over the public highways.

NEW SECTION

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) Filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) Taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(c) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

(d) Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

(e) Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

NEW SECTION

WAC 480-14-260 Leasing. Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

(a) Be made between the common carrier and the owner of the equipment;

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the

lessee or for the duration of said lease. The lease shall be specific as to the responsibility of each party thereto as to fuel expense; all taxes related to equipment operation; permits of all types; tolls; ferry charges; detentions and accessorial services; base plates and licenses; tires; oil; parts; maintenance; empty miles; major and minor repairs; principal and interest on any loans secured by the equipment; property, liability, fire, theft, collision, and comprehensive insurance; and any other vehicle-related expense. All of the above expense items shall be specifically set forth and allocated between the lessor and lessee in the lease document;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

NEW SECTION

WAC 480-14-270 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a common carrier transportation service. The carrier shall not provide such service unless it acquires common carrier authority to do so. The commission may institute proceedings to determine whether the lessor should be classified as a common carrier under the provisions of chapter 81.80 RCW and/or RCW 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the Transportation Act, chapter 81.80 RCW, or the rules and regulations of the commission promulgated thereunder, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.04.510.

NEW SECTION

WAC 480-14-280 Diversion of freight. Unless in conflict with the Constitution or laws of the United States:

(1) An interstate carrier shall not at any time carry or move freight or commodities originating at a point in the state of Washington and destined to a point in Washington where the movement of freight between such points is

commonly and ordinarily over a highway wholly within the state of Washington, unless the carrier has permit authority to perform such service.

(2) It is declared to be the rule that freight originating at a point in Washington and destined to a point in Washington and which can be moved by motor vehicles over a route wholly within the state of Washington, commonly and ordinarily used for the movement of commodities by motor vehicles between such points of origin and destination, shall be constituted and considered as freight moving in intrastate commerce and wholly subject to the jurisdiction of the utilities and transportation commission.

(3) It shall be a violation of the laws of the state of Washington and the rules of the commission for any interstate carrier to divert an intrastate freight movement into an interstate movement, either directly or indirectly, and such action shall be in violation of the rights as granted authorizing the use of the highways of the state of Washington for movement of freight in interstate commerce.

NEW SECTION

WAC 480-14-290 Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(1) **Registered carriers.** Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) **Registered exempt carriers.** Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission are "registered exempt carriers."

(3) **Compliance required.** Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

NEW SECTION

WAC 480-14-300 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-14-320.

NEW SECTION

WAC 480-14-320 Registered exempt carriers. (1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies additional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

NEW SECTION

WAC 480-14-330 Private carriers. Private carriers conducting terminal operations in Washington state, and having nonexempt vehicles rated at twenty-six thousand one pounds or greater gross vehicle weight or gross combination weight, or vehicles of any rated weight that are used to transport hazardous materials in a quantity requiring the vehicle to be placarded, shall register as private carriers with the commission.

(1) Definitions for purposes of this section:

(a) A private carrier is a person who transports by its own motor vehicle, with or without compensation for the transportation, property that the person owns or is buying or selling, or property of which the person is lessee or bailee, when the transportation is incidental to and in furtherance of some other primary business conducted by that person in good faith. The term "private carrier" includes the agents, officers, representatives and employees of a private carrier who are responsible for hiring, training, supervising, assigning, or dispatching drivers, or who are responsible for ordering or directing the maintenance of motor vehicles used by a private carrier.

(b) A terminal operation is a location in the state of Washington where a private carrier maintains driver or vehicle records, or where it dispatches or maintains vehicles, or where it regularly parks, stores or houses vehicles that are available for transportation service.

(c) An exempt vehicle is a motor vehicle:

(i) That is owned and normally operated by a farmer to transport his or her own agricultural products, farm machinery and/or farm supplies to or from the owner's farm, within one hundred fifty air miles of the farm, and not transporting hazardous materials of a type or quantity that requires the vehicle to be placarded; or

(ii) That is owned and used by the United States government, Washington state, or a county, city or municipality; or

(iii) Has a rated gross vehicle weight or gross combination weight of twenty-six thousand pounds or less and is not used for transporting hazardous materials of a type or quantity that requires the vehicle to be placarded.

(2) Registration and payment of fees.

(a) Private carriers who are required to register with the commission shall do so by filing a master business application with the Washington state department of licensing. The private carrier registration fee shall be a one-time payment of thirty-five dollars per registration. When registering, the carrier shall also pay an annual fee of ten dollars per nonexempt vehicle.

(b) Private carriers who have registered under this section shall maintain their registration by renewing their master business license, including payment of the annual fee of ten dollars per nonexempt vehicle.

(c) Failure to register as required herein and to pay the required per-vehicle fee is a violation of law and commission rule.

(3) The commission will audit terminal operations of registered private carriers for compliance with requirements of law and rule regarding driver and equipment safety. Private carriers must comply with provisions of WAC 480-14-340, 480-14-350, 480-14-360, 480-14-370, 480-14-380, 480-14-390, and 480-14-400 and with such other laws and regulations as pertain to safe motor carrier operations.

NEW SECTION

WAC 480-14-340 Equipment—Identification. (1) All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

(2) Common carriers, private carriers, or leased carriers adding, modifying, or renewing identification markings after the effective date of this rule must display on the driver and passenger doors of power units identification markings as specified below. The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger doors of the power unit.

(a) Motor vehicles operated by or under lease to a common carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the ICC certificate number, commission permit number, or both.

(b) Motor vehicles operated by or under lease to a private carrier must display the name and address of either the business operating the vehicle or the registered owner.

NEW SECTION

WAC 480-14-350 Equipment, lawful operation of.

(1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

(2) Failure of any permit holder to obey and comply with all motor vehicle safety laws of the state shall be grounds for cancellation of permit.

NEW SECTION

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American*

Uniform Out-of-Service Criteria. Copies of this document may be viewed at the commission branch of the Washington state library, located with the commission headquarters office, and are available from the commission upon request.

(3) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

NEW SECTION

WAC 480-14-370 Equipment—Drivers—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392; part 393; part 396; part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 CFR, part 392.2 and with respect to 49 CFR, part 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

PROPOSED

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;

(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

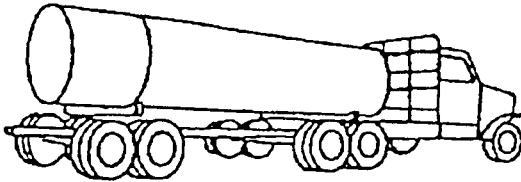
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

Note: See the following Diagrams for illustrations of placement and number of load fastening devices.

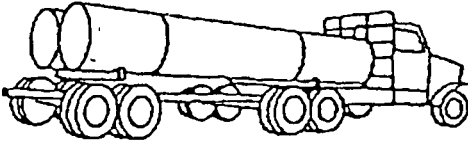
PLACEMENT AND NUMBER OF WRAPPERS

One log load



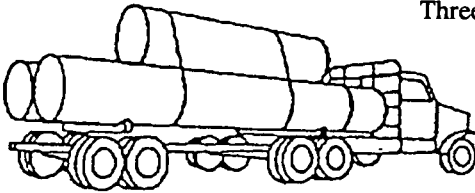
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



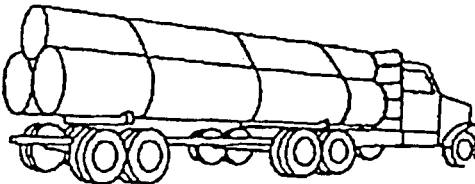
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



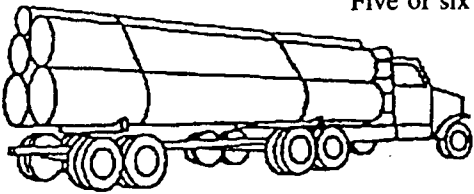
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



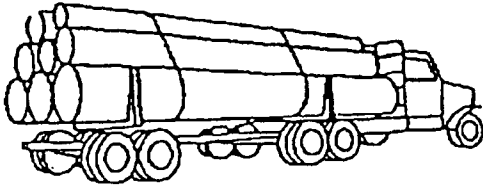
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



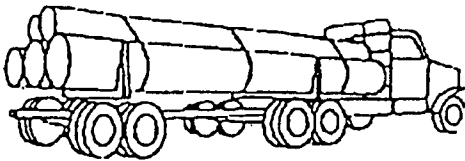
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



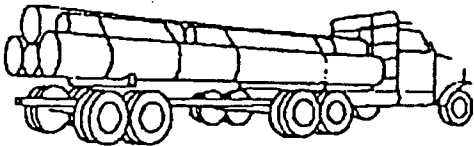
A minimum of two wrappers required.

Five or more log load if any logs are more than seventeen feet



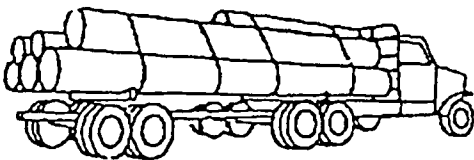
A minimum of three wrappers required.

Outside logs or top logs



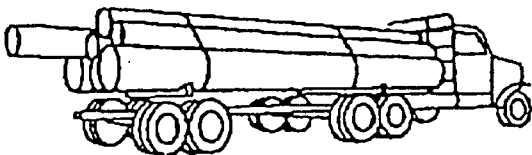
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

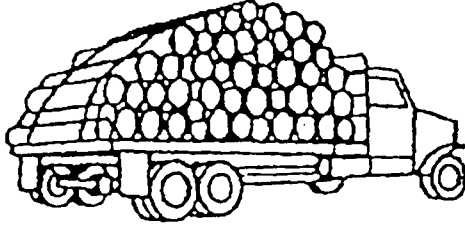
Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the log or bunk supporting it.

PROPOSED

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Pole trailers.**

(a) **Welded reach extension prohibited.** No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(b) **Damaged reach.** No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(c) **Empty pole trailers.** Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations,

part 382, part 383, and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW except carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver private carrier, or to a single vehicle owner driver common carrier when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(9) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

NEW SECTION

WAC 480-14-380 Hours of service—On duty—Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

NEW SECTION**WAC 480-14-390 Hazardous materials regulations.**

(1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: *Provided*, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

NEW SECTION

WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

NEW SECTION

WAC 480-14-410 Accidents, reporting of. (1) Accidents occurring in this state arising from or in connection with the operation of a motor vehicle by any common or registered carrier in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

NEW SECTION

WAC 480-14-420 Optional provisions. (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P. O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

- (i) Filing with the commission its written notice that it opts-out of the program;
 - (ii) Advising the shippers it has served within the past year that it has opted-out; and
 - (iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.
- (4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

NEW SECTION

WAC 480-14-900 Appendix A.

PROPOSED

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Shipper's No.

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

at 19 from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charges to be paid by: Shipper Consignee

Street _____ City _____ State _____

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
Agent of _____

Shipper, Per _____ Agent, Per _____

Permanent post-office address of shipper. _____

page ①

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with

reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or

place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should

there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so

reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing

at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

PROPOSED

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering _____ Vehicle or _____ Car Initial _____ No. _____

Carrier _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

_____ Street _____ City _____ State _____

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
Agent of Shipper _____

_____ Shipper, Per _____ Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper. _____ page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common

law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the

public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum

amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooerage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then

in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after

unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Memorandum is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.
Shipper's No.

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,
at _____ 19____ from _____
the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____
Destination _____ State of _____ Zip Code _____ County Of _____
Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____
_____ Street _____ City _____ State _____

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

C.O.D. charge to be paid by: Shipper Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."
Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____
Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
Agent of Shipper _____

Shipper, Per _____ Agent, Per _____

Permanent post-office address of shipper, _____ page ③

PROPOSED

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common

law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the

public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum

amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary coeprage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then

in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after

unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

PROPOSED

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

WSR 95-17-126
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 23, 1995, 11:17 a.m.]

Original Notice.

Proposal is exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Searching and duplicating medical records.

Purpose: In accordance with RCW 70.02.101(12) this rule adjusts the fee medical professionals may charge for searching and duplicating medical records.

Other Identifying Information: The adjustment is based on the change in the consumer price index based on all consumers for the Seattle/Tacoma area for fiscal year 1994 and 1995.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 70.02.101(12).

Summary: The reasonable fee for duplicating or searching medical records will not exceed sixty-nine cents per page for the first thirty pages, and fifty-three cents for all others. The clerical fee is set at sixteen dollars.

Reasons Supporting Proposal: The proposed rule allows physicians and hospitals to recoup the inflationary costs of providing this service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michelle Davis, 1112 S.E. Quince Street, Olympia, 98504-7890, (360) 586-0342.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adjusts the fee that medical professionals may charge for searching and duplicating medical records. The rule will allow medical professionals and hospitals to recoup the cost the inflationary costs of providing this service. The fee increase for individuals requesting the records is minimal: Nine cents for the first thirty copies, three cents for all other copies, and dollar increase in clerical fees. The proposed rule allows the secretary to adjust fees biennially, based on the change in the consumer price index for the Seattle/Tacoma areas, as required by RCW 70.02.-010(12).

PROPOSED

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is an exception rule, under RCW 34.05.310(4) and therefore does not require a small business economic impact statement.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for licensure; and does not make significant amendment to a policy or regulatory program. This rule adjusts the fee that medical professionals may charge for searching and duplicating medical records, as required by RCW 70.02.010(12).

Hearing Location: Washington State Department of Health, Executive Conference Room, 1112 S.E. Quince Street, Olympia, WA 98504-7890, on September 27, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Michelle Davis by September 20, 1995, TDD (360) 664-0064.

Submit Written Comments to: Michelle Davis, Rules Coordinator, 1112 S.E. Quince Street, Olympia, WA 98504-7890, FAX (360) 586-7424, by September 20, 1995.

Date of Intended Adoption: September 28, 1995.

August 23, 1995

Mimi Fields, MD

for Bruce A. Miyahara
Secretary

NEW SECTION

WAC 246-08-400 Searching and duplicating medical records. Effective July 1, 1995, through June 30, 1997, the "reasonable fee" defined in RCW 70.02.010(12) for duplicating or searching a record shall not exceed sixty-nine cents per page for the first thirty pages and fifty-three cents for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed sixteen dollars. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

WSR 95-17-128

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 23, 1995, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-015.

Title of Rule: Revise WAC 388-250-1700 Standard of assistance—Supplemental security income.

Purpose: Implement provisions of the 1995 budget bill, to convert to the "total expenditure method" to compute the SSI state supplement payment (SSP). Reducing the SSP by 15% in November 1995 will enable us to adjust costs for 1995 to the 1994 expenditure level.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: 1995 budget bill.

Summary: Under the "minimum payment method," the total SSP has increased each year due to the rise in caseload. To fairly and equitably distribute limited state resources with minimum negative impact on individuals, the 1995 legislature chose to "lid" the SSP at the calendar year (CY) 1994 expenditure level for 1995 and beyond.

Reasons Supporting Proposal: In the 1995 budget bill, the legislature directed the department to convert from the "minimum payment method" to the "total expenditure method," to compute the SSI state supplement payment.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, DIA, (360) 438-8317.

Name of Proponent: 1995 Legislature, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule change does not meet the definition of a significant legislative rule in ESHB 1010, section 201.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In the 1995 budget bill, the legislature directed the department to convert from the "minimum payment method" to the "total expenditure method," to compute the SSI state supplement payment. Under the "minimum payment method," the total amount expended for the SSI state supplement has increased each year, due to the rise in caseload. To fairly and equitably distribute limited state resources, with minimum negative impact on needy individuals, the legislature chose to "cap" the state supplement at the calendar 1994 expenditure level.

Proposal Changes the Following Existing Rules: Standards for the SSI state supplement payment were reduced by 15%, beginning November 1, 1995.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change only minimally affects the income of some of the departments clients. It does not directly impact any small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule in the above citation.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on September 26, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by September 12, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by September 19, 1995.

Date of Intended Adoption: September 27, 1995.

August 23, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

PROPOSED

AMENDATORY SECTION (Amending Order 3822, filed 1/11/95, effective 2/11/95)

WAC 388-250-1700 Standards of assistance—Supplemental security income. Effective ((January)) November 1, 1995, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Federal SSI	State Supplement
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Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$486.00)	\$458.00	28.00
	\$481.80	\$458.00	\$ 23.80
Individual with one essential person	((709.00))	687.00	22.00
	705.70	687.00	18.70
Couple:			
Both eligible	((709.00))	687.00	22.00
	705.70	687.00	18.70
Includes one essential person	((709.00))	687.00	22.00
	705.70	687.00	18.70
Includes ineligible spouse	((626.20))	458.00	168.20
	600.97	458.00	142.97

Area II: All Counties Other Than the Above

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$465.55)	458.00	7.55
	\$464.42	458.00	6.42
Individual with one essential person	687.00	687.00	0
Couple:			
Both eligible	687.00	687.00	0
Includes one essential person	687.00	687.00	0
Includes ineligible spouse	((596.25))	458.00	138.25
	575.51	458.00	117.51

Areas I and II:

Eligible individual with more than one essential person((s)): \$458 for eligible individual plus \$229 for each essential person (no state supplement).

Eligible couple with one or more essential persons: \$687 for eligible couple plus \$229 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Federal SSI	State Supplement
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	Standard	Federal SSI Benefit	State Supplement
Individual	(\$311.15)	\$305.34	5.81
	\$310.28	\$305.34	\$ 4.94
Individual with one essential person	((464.30))	458.00	6.30
	463.35	458.00	5.35
Couple:			
Both eligible	((464.30))	458.00	6.30
	463.35	458.00	5.35
Includes one essential person	((464.30))	458.00	6.30
	463.35	458.00	5.35
Includes ineligible spouse	((409.10))	305.34	103.76
	393.54	305.34	88.20

Area I and II:

Eligible individual with more than one essential person: \$305.34 for eligible individual plus \$152.66 for each essential person (no state supplement).

Eligible couple with one or more essential persons: \$458 for eligible couple plus \$152.66 for each essential person (no state supplement).

((Area I and Area II: Medicaid Institutions	41.62	30.00	11.62))
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(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
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No change	\$41.62	\$30.00	\$11.62
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(4) Mandatory income level (MIL) for grandfathered claimant. Reduced by five dollars and sixty-one cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

**WSR 95-17-130
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Filed August 23, 1995, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-039.

Title of Rule: Commercial fishing rules.

Purpose: Amend baitfish rules, close harvest in protected waters.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Prohibit baitfish harvest in waters less than twenty feet deep in Grays Harbor, Willapa Bay and Columbia River; close Area 25E; close Titlow Beach Marine Preserve and Edmonds Underwater Park.

Reasons Supporting Proposal: Protection of salmon smolts; insufficient herring stocks; marine sanctuaries need protection.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2235; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2233.

Name of Proponent: Washington State 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: There is an abundance of salmon smolts in shallow waters in Grays Harbor, Willapa Bay and the Columbia River. Attempting to net baitfish in these waters in depths less than twenty feet will cause unacceptable mortality to salmon smolts. Discovery Bay (Area 25E) herring stocks are insufficient to withstand commercial pressure. Commercial closures in the Titlow Beach Marine Preserve and Edmonds Underwater Park are needed to mirror recreational closures and preserve marine life for viewing and study.

Proposal Changes the Following Existing Rules: Closes near shore baitfishing in coastal waters; closes Discovery Bay to baitfish harvest; closes marine sanctuaries.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal will have virtually no effect on small businesses. The near shore baitfish fishery does not presently occur in Grays Harbor and Willapa Bay, and the smelt fishery in the Columbia River

PROPOSED

usually occurs in waters greater than twenty feet deep when purse seine and lampara are used. There is little commercial pressure in Discovery Bay because of a lack of herring. Numerous stocks outside of Discovery Bay offer fishing opportunity. The closure at Titlow Beach and Edmonds Underwater Marine Park are extremely small areas.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a legislative rule of the department affecting the hydraulics code.

Hearing Location: Director's Conference Room, Fifth Floor, Natural Resources Building, 1111 Washington Street, Olympia, on September 27, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayres by September 13, 1995, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 North Capitol Way, Olympia, WA 98501, FAX (360) 902-2942, by September 26, 1995.

Date of Intended Adoption: October 4, 1995.

August 23, 1995

Judith Freeman

Deputy

for Robert Turner

Director

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-33-060 Herring and anchovies. It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Purse seine and lampara gear may be used to fish for herring or anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

Licensing

~~((2))~~ (3)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(b) A herring purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

(c) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(d) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

Fishing periods

~~((3))~~ (4) Purse seine and lampara gear may be used to fish for herring or anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

General

~~((4))~~ (5) Species of fish other than herring or anchovies taken in the operation of the purse seine and lampara gear shall be returned immediately to the water.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon. (1) It shall be unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It shall be lawful to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear.

(3)(a) June 1 through October 31 - It shall be lawful to fish for and possess herring, anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length nor contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Bay except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

(7) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

PROPOSED

AMENDATORY SECTION (Amending Order 85-14, filed 3/1/85)**WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.**

(1) It shall be unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It shall be lawful to fish for and possess bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It shall be lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length nor contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

(8) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-020 Herring, candlefish, anchovy and pilchard—Seasons—Lawful gear—Purposes. It shall be unlawful to take, fish for or possess for commercial purposes herring, candlefish, anchovy or pilchards in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Areas 20A, 20B, 21A, and 21B.

(a) Closed September 1 through May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

(b) Open June 1 through August 31 with drag seine, purse seine, lampara, and dip bag net for bait and human consumption only.

(2) It is unlawful to use purse seine gear in any Puget Sound area except 22A, 22B, 23A, 23B, 23C, 23D, and 29. Areas 22A and 22B are open the entire year to purse seine gear, except for closures set out in subsections (4) and (5) of this section. Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear the entire year.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas - Open entire year with drag seine, lampara, and dip bag net for human consumption or bait only except for closures set out in subsections (4) ~~((and))~~, (5) and (6) of this section.

(4) The following areas are closed the entire year to all gear except dip bag net gear:

(a) Waldron Island - Waters of Cowlitz Bay inside of a line from Sandy Point to Point Disney, and the small bay on the east side of the island.

(b) Stuart Island - Waters of Reid Harbor.

(c) Swinomish Channel - Waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin.

(5) The following areas are closed from January 16 through April 15, except to dip bag net gear:

(a) Central San Juan Islands - Waters of Area 22A south of a line from Limestone Point on San Juan Island to Steep Point on Orcas Island, north of a line from Pear Point on San Juan Island to Rock Point on Lopez Island, west of a line projected true south from Deer Point on Orcas Island to landfall on Blakely Island, west of a line projected true north from Fauntleroy Point on Decatur Island to landfall on Blakely Island, and west of a line projected true south from the Lopez Pass navigation light on south Decatur Island to landfall on Lopez Island. Notwithstanding the provisions of this subsection, the following waters are open to purse seine and lampara the entire year: Those waters inside of a line from the northern end of Humphrey Head northwesterly to the northern end of Upright Head, from Twin Rocks west to Buck Bay, from Buck Bay south to Bald Bluff, and from Bald Bluff to the northern end of Humphrey Head.

(b) Roche Harbor and Wescott Bay - Waters of Area 22A south of a line projected true east from McCracken Point to landfall on San Juan Island and east of a line projected from the Kellett Bluff navigation light on Henry Island to Bellevue Point on San Juan Island.

(c) Areas 22B, 24A, 24B, and 24D.

PROPOSED

~~(d) ((Waters of Area 25A south of a line from Dungeness light to McCurdy Point.~~

~~((e))~~ Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

~~((f))~~ ~~((e))~~ Area ~~((s))~~ 25D ~~((and 25E)).~~

~~((g))~~ ~~((f))~~ Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

~~((h))~~ ~~((g))~~ Area 26C.

~~((i))~~ ~~((h))~~ Waters of Area 26D north of a line from Neill Point to Piner Point.

~~((j))~~ ~~((i))~~ Waters of Area 27A north of a line from South Point to Lofall and contiguous waters of 27A south of a line projected true east from Hazel Point including all waters of Dabob and Quilcene Bays.

~~((k))~~ ~~((j))~~ Waters of Area 27B north of a line from Triton Head to Tekiu Point.

~~((l))~~ ~~((k))~~ Waters of Area 27C east of a line from Ayers Point to Union.

~~((m))~~ ~~((l))~~ Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.

~~((n))~~ ~~((m))~~ Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.

~~((o))~~ ~~((n))~~ All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.

(6) The following areas are closed the entire year to all gear: Areas 25A and 25E.

AMENDATORY SECTION (Amending Order 93-54, filed 6/29/93, effective 7/30/93)

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San

Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve or the Edmonds Underwater Park.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-20-025 General provisions—Shellfish. (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257.

(2) It is unlawful to possess any soft-shelled crab for any purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to use any chemicals when taking or fishing for octopus except for persons granted a scientific collector's permit from the department for the harvest of octopus for display or scientific purposes.

(5) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(6) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

(7) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve or the Edmonds Underwater Park.

PROPOSED



**WSR 95-17-001
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 2, 1995, 12:50 p.m., effective October 1, 1995]

Date of Adoption: August 2, 1995.

Purpose: To change the conversion factor used to calculate reimbursement for anesthesia services.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Adopted under notice filed as WSR 95-11-091 on May 18, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1995.

August 2, 1995
Dorette M. Markham
for Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services rendered on or after May 1, 1995, have a conversion factor of \$42.63. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$20.74)~~) \$1.81 per minute. The base units (~~(are listed)~~) and payment policies can be found in the fee schedules.

(4) Services that do not use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

**WSR 95-17-002
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed August 2, 1995, 1:42 p.m.]

Date of Adoption: July 31, 1995.

Purpose: To correct error in CR-103 filed July 21, 1995 (WSR 95-16-026) where series 2 examination was omitted as an examination to qualify for investment adviser representative registration. The correction adds the series 2 examination as an approved qualifying examination for investment adviser representative registration.

Citation of Existing Rules Affected by this Order: Amending WAC 460-24A-050.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 95-11-079 on May 16, 1995.

Changes Other than Editing from Proposed to Adopted Version: Adds the series 2 examination as an approved qualifying examination for investment adviser representatives.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, the director finds that this action is necessary and appropriate in the public interest and for the protection of investors and consistent with the purposes fairly intended by the policy and the provisions of this chapter.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 31, 1995

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 90-05-003, filed 2/9/90, effective 3/12/90)

WAC 460-24A-050 Investment adviser and investment adviser salesperson (representative) registration and examinations. (1) In order for an applicant to become licensed in this state as an investment adviser the individual applicant, an officer of the applicant if the applicant is a corporation, or a general partner of the applicant if the applicant is a partnership, shall:

(a) Pass the uniform investment adviser law examination (series 65); or the uniform combined state law examination (series 66); and

(b)(i) Pass the NASD general securities principal examination (series 24); or

(ii) ~~((Pass the NASD investment company products/variable contracts principal examination (series 26); or~~

~~(iii))~~ Hold one of the following designations:

- (A) Chartered investment counselor;
 - (B) Chartered financial analyst;
 - (C) Certified financial planner;
 - (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
- (c) File a completed Form ADV.

(2) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(3) In order to become licensed in this state as an investment adviser salesperson (representative), an applicant shall:

(a) Pass the uniform investment adviser law examination (series 65); or the uniform combined state law examination (series 66); and

(b)(i) Pass the NASD general securities representative examination (series 7); or

(ii) ~~Pass the ((NASD investment company products/variable contracts limited representative qualifications examination (series 6)))~~ general securities representative examination (series 2); or

(iii) Hold one of the following designations:

- (A) Chartered investment counselor;
 - (B) Chartered financial analyst;
 - (C) Certified financial planner;
 - (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
- (c) File a completed Form U-4.

(4) The administrator may waive the testing requirements in subsection (3) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has been engaged in rendering "investment supervisory services" as defined in section 202 (a)(13) of the Investment Advisers Act of 1940.

(5) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the required examination in subsection (1) or (3) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application ~~((:— Provided, That until January 1, 1992, the uniform securities agent state law examination (series 63) may be substituted for the uniform investment adviser law~~

~~examination (series 65) for the purpose of fulfilling the requirements of subsections (1) and (3) of this section)).~~

WSR 95-17-005
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed August 3, 1995, 10:15 a.m.]

Date of Adoption: August 2, 1995.

Purpose: WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc., explains the activities which may be performed by retailers or accepted by them in their business dealings with manufacturers and wholesalers. The rule specifies what types of activities are allowed and enumerates those that are not.

Citation of Existing Rules Affected by this Order: Amending WAC 314-12-140.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 95-12-076 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 3, 1995

Joe McGavick

Chair

AMENDATORY SECTION (Amending WSR 93-10-070, filed 5/3/93, effective 6/3/93)

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or

services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

WSR 95-17-006
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed August 3, 1995, 10:16 a.m.]

Date of Adoption: August 2, 1995.

Purpose: WAC 314-16-200 Minimum qualifications for issuance of Class E, F and Classes EF licenses, sets the minimum qualifications for the issuance of a license to sell beer or wine (or both) for off-premises consumption.

Citation of Existing Rules Affected by this Order:
Amending WAC 314-16-200.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 95-12-077 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 3, 1995

Joe McGavick
Chair

all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) Stores other than grocery stores must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of beer and/or wine in the amount of \$5,000 prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

(6) Subsections (2), (3), (4), and (5) of this section shall not apply to a licensee or licensees at a store or stores licensed prior to October 11, 1984, if on that date and thereafter said licensee(s) and/or his, her, their, or its transferee(s) continue to meet the requirements imposed by this section which were in effect pursuant to liquor control board Administrative Order 102, Resolution No. 111.

(7) If a Class E, Class F, or Classes EF licensee or applicant for such licenses does not meet or maintain the requirements provided for in subsections (2) through (6) of this section, the licensee or applicant may petition the board, setting forth any unusual, extenuating, or mitigating circumstances that may justify a variance, and the board may, under such terms and conditions it determines are in the best interest of the public, grant the variance.

AMENDATORY SECTION (Amending Order 146, Resolution No. 155, filed 9/18/84)

WAC 314-16-200 Minimum qualifications for issuance of Class E, F, and Classes EF licenses. (1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of Class E, F, or Classes EF licenses to store operations. The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class E, F, or Classes EF license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a Class E, F, or Classes EF license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food, grocery and related grocery store items in excess of \$3,000 wholesale value. The minimum wholesale inventory required by this subsection shall be stocked and maintained within the confines of the licensed premises and shall not include any gasoline, oil, auto parts, or tobacco products.

(3) Grocery stores which also sell gasoline must be stocked with an inventory of food, grocery, and related grocery store items in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF license. The minimum wholesale inventory required by this subsection shall be stocked and maintained within the confines of the licensed premises and shall not include any gasoline, oil, auto parts, or tobacco products. Marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) of this section.

(4) The minimum amounts referred to in subsections (2) and (3) of this section shall be maintained at the premises at

WSR 95-17-011
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 4, 1995, 3:50 p.m.]

Date of Adoption: August 4, 1995.

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.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-142-175; and amending WAC 392-142-005, 392-142-010, 392-142-095, 392-142-115, 392-142-125, 392-142-130, 392-142-135, 392-142-155, 392-142-165, 392-142-170, 392-140-205, 392-140-210, 392-140-240, and 392-140-265.

Statutory Authority for Adoption: ESSB 5408, RCW 28A.150.290, chapter 28A.160 RCW as amended in ESSB 5408, section 1(6).

Adopted under notice filed as WSR 95-13-100 on June 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 392-142-155 was expanded to fourteen categories of school buses; WAC 392-142-165 had freight, associated costs, and sales tax process for low quote added; and WAC 392-142-170 had sales tax process added. All other changes were editorial or grammatical.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 4, amended 14, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 14, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 4, amended 14, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 4, 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~~) including 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 accom-

modate 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 handi-capped~~) 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:

	((Student Capacity	Fuel Type	Transmission Type	Useful Life
(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

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(12)	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

	Student Capacity	Fuel Type	Transmission Type	Useful Life	Bus Type
(1)	10 to 22	Gas	Automatic	8	A
(2)	10 to 22	Diesel	Automatic	8	A
(3)	10 to 22	Gas	Automatic	8	B
(4)	10 to 22	Diesel	Automatic	8	B
(5)	23 to 34	Gas	Automatic	8	B
(6)	23 to 34	Diesel	Automatic	8	B
(7)	35 to 48	Diesel	Automatic	15	C
(8)	35 to 48	Diesel	Automatic	15	D
(9)	49 to 60	Diesel	Automatic	15	C
(10)	49 to 60	Diesel	Automatic	15	D
(11)	61 to 77	Diesel	Automatic	15	C
(12)	61 to 84	Diesel	Automatic	15	D
(13)	Heavy 78 to 84	Diesel	Automatic	20	D
(14)	85 to 90	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))~~ state reimbursement rate for school bus replacement which shall be based upon the 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).

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate in the state as provided annually by the department of revenue.

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.

Sales tax will be added to the specialized equipment price using the same process described in WAC 392-142-165.

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 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), in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-210 State-determined purchase prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined purchase prices for each school bus category applicable to the current school year. ~~((The superintendent of public instruction shall follow this schedule:~~

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~~(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 purchase price shall be derived from competitive price quotes obtained annually by September 1 and a sales tax calculation as described in WAC 392-142-165. The state-determined purchase price shall be determined from 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 lowest price quote will be determined using only the base quote price as stated for the state-supported base bus without options. 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.

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 purchase 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 purchase 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 95-17-031

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3878—Filed August 9, 1995, 9:58 a.m.]

Date of Adoption: August 9, 1995.

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 simplifies processing and has a positive client impact.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0590 Income.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 95-14-037 on June 27, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3827, filed 1/25/95, effective 2/25/95)

WAC 388-505-0590 Income. (1) To be eligible for a medical care program, a person's countable income shall not exceed the specified limits of the eligibility standards for the appropriate medical care program unless:

(a) The program allows the spenddown of excess income;

(b) The program otherwise specifically provides for exceeding those limits; or

(c) In the case of medical assistance clients, eligibility for other programs has not yet been determined in accordance with WAC 388-522.

(2) For continuing cash assistance clients, the department shall find a person eligible for medical care programs without a separate eligibility determination.

(3) 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:

(i) Veteran's compensation and pensions;

(ii) OASDI benefits;

(iii) Railroad retirement benefits; and

(iv) 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.

(4) 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.

(5) For ~~((a-noncash))~~ an 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 (3) 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.

WSR 95-17-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3879—Filed August 9, 1995, 10:00 a.m.]

Date of Adoption: August 9, 1995.

Purpose: Eliminates the state supplemental discount drug program for agreement created under WAC 388-91-007 and 388-91-010, and eliminates reference to this program in WAC 388-91-020.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-91-007 Drugs—Drug discount agreement; and amending WAC 388-91-010 Drugs—Not requiring prior authorization and 388-91-020 Drugs—Requiring authorization.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ESHB 1410, section 209(6).

Adopted under notice filed as WSR 95-14-059 on June 28, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 2, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 9, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3685, filed 12/14/93, effective 1/14/94)

WAC 388-91-010 Drugs—Not requiring prior authorization. (1) The department shall publish a list of all drugs not requiring prior approval as described under subsections ~~((3))~~ (2)(a) through ~~((3))~~ (2)(e) and ~~((4))~~ (3)

of this section. The medical assistance administration may make changes to this list providing that action is in compliance with regulations governing the drug program and with acceptable management policies.

~~(2) ((The list described under subsection (1) of this section may include drugs which require prior approval only because the manufacturer has not signed a supplemental drug discount agreement as specified under subsection (3)(f) of this section. The department shall publish a list of manufacturers who have signed a supplemental drug discount agreement and whose products may not require prior approval.~~

~~(3))~~ The department's decision not to require authorization for drug preparations shall be based on the following criteria:

(a) The drug is established as a part of necessary and essential care for the condition for which the drug is used;

(b) The drug is in general use by physicians practicing in Washington;

(c) The drug is of moderate cost. The department shall use generic forms when the drug is listed under the department or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the department shall select the less expensive drug;

(d) The food and drug administration shall not have classified the drug as "less than effective"; and

(e) The drug is not experimental(~~and~~

~~(f) That the drug manufacturer/labeler sign a Washington state drug discount agreement)).~~

~~((4))~~ (3) The department shall use the following process to determine when a drug preparation requires prior authorization:

(a) Review objective, scientific information, and utilization data for appropriateness according to the criteria in subsection ~~((3))~~ (2) of this section; or

(b) Provide for the potential appointment of an advisory committee by the secretary in accordance with RCW 43.20A.360 to review and advise the medical assistance administration whether the drug preparation requires prior authorization; and

(c) Make appropriate changes in the requirement of prior authorization as to a drug preparation when consistent with subsection ~~((3))~~ (2) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

~~((5) Until January 1, 1994 the department shall not require prior authorization for any new biological or drug that the federal Food and Drug Administration approves between July 1, 1993 through December 31, 1993.))~~

AMENDATORY SECTION (Amending Order 3685, filed 12/14/93, effective 1/14/94)

WAC 388-91-020 Drugs—Requiring authorization.

(1) The pharmacist shall make a request to the department for drugs requiring prior authorization before dispensing the drug. The request shall be supported by the medical diagnosis and include proper justification for the drug. ~~((For drugs requiring prior authorization solely because the drug manufacturer/labeler has failed to sign a Washington state~~

~~drug discount agreement, the authorization may be obtained subsequent to filling the prescription.)~~

(2) The department may pay for drugs requiring prior authorization which are prescribed without prior authorization only:

- (a) In an acute emergency;
- (b) If the physician can substantiate that a drug is mandatory; and
- (c) When the department receives justification within seventy-two hours for consideration.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-91-007 Drugs—Drug discount agreement.

WSR 95-17-036
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 9, 1995, 3:15 p.m., effective September 25, 1995]

Date of Adoption: August 9, 1995.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated amendments are made to chapter 296-24 WAC as a result of OSHA letter dated December 22, 1994. The amendments are made to add a section (WAC 296-24-19514) relating to the requirements for reporting injuries to employees operating mechanical power presses which was inadvertently repealed by Administrative Order 88-11, July 6, 1988. State-initiated amendments are made to correct WAC references to be at-least-as-effective-as the federal standard (WAC 296-24-19501 and 296-24-19517); remove subsection numbering of definitions to comply with code reviser requirements (WAC 296-24-19501); and reorganize definitions to be in alphabetical order (WAC 296-24-19501). The federal-initiated amendments will reestablish additional compliance requirements which were inadvertently repealed in error. The state-initiated amendments will not establish any additional compliance requirements.

Chapter 296-62 WAC, General occupational health standards, state-initiated amendments to chapter 296-62 WAC are made to change an OSHA reference to the applicable WAC reference (WAC 296-62-14501) and correct a spelling error (WAC 296-62-14529). The state-initiated amendments will not establish any additional compliance requirements.

Chapter 296-155 WAC, Safety standards for construction work, state-initiated amendments are made to chapter 296-155 WAC at industry request and as a result of negotiated rule making between the Department of Labor and Industries and construction industry labor and management representatives. (The amendments proposed did not address issues relating to rigging.) The amendments add ANSI definitions for consistency and clarity (WAC 296-155-525). These definitions relate to parts of cranes, rigging, and loading dynamics such as "drum, gantry, mast, and dynamic

loading"; replace ANSI references with ANSI text in new section (WAC 296-155-527) to allow availability of information relating to the requirements for running ropes and wires, and general crane erection requirements; reorganize existing requirements within sections for clarity and ease of use, and to update ANSI references to current editions (WAC 296-155-525); and change an OSHA reference to the applicable WAC reference (WAC 296-155-20301). The state-initiated amendments will not establish any additional compliance requirements.

Citation of Existing Rules Affected by this Order: Chapter 296-24 WAC, General safety and health standards, WAC 296-24-19501 Definitions and 296-24-19517 Presence sensing device initiation (PSDI); chapter 296-62 WAC, General occupational health standards, WAC 296-62-14501 Definitions and 296-62-14529 Appendix E—Sewer system entry; and chapter 296-155 WAC, Safety standards for construction work, WAC 296-155-20301 Definitions and 296-155-525 Cranes and derricks.

Statutory Authority for Adoption: RCW 49.17.040, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 95-09-008 on April 7, 1995.

Changes Other than Editing from Proposed to Adopted Version: No comments were received on the proposed amendments. As a result, the amendments are adopted as proposed with the following change: WAC 296-24-19517 Presence sensing device initiation (PSDI), the illustration space for Graph A-1 was increased to 5" for legibility of the graph.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 4, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 25, 1995.

August 9, 1995

Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-19501 Definitions. ~~((1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.~~

(2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either

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directly or through a gear train, when the clutch is disengaged.

(3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

(4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

(5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

(6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

(8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

(11) "Device" means a press control or attachment that:

(a) Restrains the operator from inadvertently reaching into the point of operation, or

(b) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or

(c) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close, or

(d) Prevents the initiation of a stroke, or stops the stroke in progress, when there is an intrusion through the sensing field by any part of the operator's body or by any other object.

(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area that signals the clutch/brake control to deactivate the clutch and activate the brake of the press when any part of the operator's body or a hand tool is within such field or area.

(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

(15) "Pull out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

(16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed

to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

(17) "Two hand control device" means a two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die closing portion of the stroke of the press.

(18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(19) "Die builder" means any person who builds dies for power presses.

(20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of their duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(22) "Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

(23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(24) "Ejector" means a mechanism for removing work or material from between the dies.

(25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(26) "Feeding" means the process of placing or removing material within or from the point of operation.

(27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

(28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

(29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

(31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

(33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(34) "Fixed barrier guard" means a die space barrier attached to the press frame.

(35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

(36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(41) "Knockout" means a mechanism for releasing material from either die.

(42) "Liftout" means the mechanism also known as knockout.

(43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

(45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

(46) "Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

(48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

(49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

(50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

(51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(52) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

(53) "Stripper" means a mechanism or die part for removing the parts or material from the punch.

(54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

(55) "Trip or (tripping)" means activation of the clutch to "run" the press.

(56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(57) "Two hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(58) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

(59) "Control system" means sensors, manual input and mode selection elements, interlocking and decision making circuitry, and output elements to the press operating mechanism.

(60) "Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

(61) "Presence sensing device initiation" means an operating mode of indirect manual initiation of a single stroke by a presence sensing device when it senses that work motions of the operator, related to feeding and/or removing parts, are completed and all parts of the operator's body or hand tools are safely clear of the point of operation.

(62) "Safety system" means the integrated total system, including the pertinent elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator, and the environment, designed, constructed, and arranged to operate together as a unit, such that a single failure or single operating error will not cause injury to personnel due to point of operation hazards.

(63) "Authorized person" means one to whom the authority and responsibility to perform a specific assignment has been given by the employer.

(64) "Certification" or "certify" means, in the case of design certification/validation, that the manufacturer has reviewed and tested the design and manufacture, and in the case of installation certification/validation and annual recertification/revalidation, that the employer has reviewed and tested the installation, and concludes in both cases that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met. The certifications are made to the validation organization.

(65) "Validation" or "validate" means for PSDI safety systems that a WISHA recognized third party validation organization:

(a) For design certification/validation has reviewed the manufacturer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 and the underlying tests and analyses performed by the manufacturer, has performed

additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met; and

(b) For installation certification/validation and annual recertification/revalidation has reviewed the employer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 and the underlying tests performed by the employer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19513 and 296-24-20700 have been met.

(66) "Certification/validation" and "certify/validate" means the combined process of certification and validation.))

"Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

"Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

"Authorized person" means one to whom the authority and responsibility to perform a specific assignment has been given by the employer.

"Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

"Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

"Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

"Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

"Certification" or "certify" means, in the case of design certification/validation, that the manufacturer has reviewed and tested the design and manufacture, and in the case of installation certification/validation and annual recertification/revalidation, that the employer has reviewed and tested the installation, and concludes in both cases that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met. The certifications are made to the validation organization.

"Certification/validation" and "certify/validate" means the combined process of certification and validation.

"Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

"Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

"Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

"Control system" means sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements to the press operating mechanism.

"Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

"Device" means a press control or attachment that:

- Restrains the operator from inadvertently reaching into the point of operation; or

- Prevents normal press operation if the operator's hands are inadvertently within the point of operation; or

- Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close; or

- Prevents the initiation of a stroke, or stops the stroke in progress, when there is an intrusion through the sensing field by any part of the operator's body or by any other object.

"Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

"Die builder" means any person who builds dies for power presses.

"Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

"Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

"Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of their duties, makes the necessary adjustments to cause the tooling to function properly and safely.

"Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

"Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

"Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

"Ejector" means a mechanism for removing work or material from between the dies.

"Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

"Feeding" means the process of placing or removing material within or from the point of operation.

"Fixed barrier guard" means a die space barrier attached to the press frame.

"Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

"Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

"Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

"Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

"Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

"Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

"Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

"Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

"Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

"Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

"Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

"Knockout" means a mechanism for releasing material from either die.

"Liftout" means the mechanism also known as knock-out.

"Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

"Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

"Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

"Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

"Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

"Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area

that signals the clutch/brake control to deactivate the clutch and activate the brake of the press when any part of the operator's body or a hand tool is within such field or area.

"Presence sensing device initiation" means an operating mode of indirect manual initiation of a single stroke by a presence sensing device when it senses that work motions of the operator, related to feeding and/or removing parts, are completed and all parts of the operator's body or hand tools are safely clear of the point of operation.

"Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

"Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

"Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

"Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

"Safety system" means the integrated total system, including the pertinent elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator, and the environment, designed, constructed, and arranged to operate together as a unit, such that a single failure or single operating error will not cause injury to personnel due to point of operation hazards.

"Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

"Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

"Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

"Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

"Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

"Stripper" means a mechanism or die part for removing the parts or material from the punch.

"Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

"Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed

to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

"Trip or (tripping)" means activation of the clutch to "run" the press.

"Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

"Two-hand control device" means a two-hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

"Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

"Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

"Validation" or "validate" means for PSDI safety systems that a WISHA recognized third-party validation organization:

• For design certification/validation has reviewed the manufacturer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 and the underlying tests and analyses performed by the manufacturer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met; and

• For installation certification/validation and annual recertification/revalidation has reviewed the employer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 and the underlying tests performed by the employer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through 296-24-19517 and WAC 296-24-20700 have been met.

NEW SECTION

WAC 296-24-19514 Reports of injuries to employees operating mechanical power presses. The employer shall, within thirty days of the occurrence, report to the Assistant Director, Department of Labor and Industries, Division of Consultation and Compliance, Post Office Box 44600, Olympia, Washington 98504-4600, all point of operation injuries to operators or other employees. The following information shall be included in the report:

- (1) Employer's name, address and location of the workplace (establishment).
- (2) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance, or other).
- (3) Type of clutch used on the press (full revolution, part revolution, or direct drive).
- (4) Type of safeguard(s) being used (two-hand control, two-hand trip, pull-outs, sweeps, or other). If the safeguard is not described in this section, give a complete description.

(5) Cause of the accident (repeat of press, safeguard failure, removing stuck part or scrap, no safeguard provided, no safeguard in use, or other).

(6) Type of feeding (manual with hands in dies or with hands out of dies, semiautomatic, automatic, or other).

(7) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other).

(8) Number of operators required for the operation and the number of operators provided with controls and safeguards.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-19517 Presence sensing device initiation (PSDI). (1) General.

(a) The requirements of this section shall apply to all part revolution mechanical power presses used in the PSDI mode of operation.

(b) The relevant requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 of this part also shall apply to all presses used in the PSDI mode of operation, whether or not cross referenced in this section. Such cross-referencing of specific requirements from WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 of this part is intended only to enhance convenience and understanding in relating to the new provisions to the existing standard, and is not to be construed as limiting the applicability of other provisions in WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 of this part.

(c) Full revolution mechanical power presses shall not be used in the PSDI mode of operation.

(d) Mechanical power presses with a configuration which would allow a person to enter, pass through, and become clear of the sensing field into the hazardous portion of the press shall not be used in the PSDI mode of operation.

(e) The PSDI mode of operation shall be used only for normal production operations. Die-setting and maintenance procedures shall comply with WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 of this part, and shall not be done in the PSDI mode.

(2) Brake and clutch requirements.

(a) Presses with flexible steel band brakes or with mechanical linkage actuated brakes or clutches shall not be used in the PSDI mode.

(b) Brake systems on presses used in the PSDI mode shall have sufficient torque so that each average value of stopping times (Ts) for stops initiated at approximately forty-five degrees, sixty degrees, and ninety degrees, respectively, of crankshaft angular position, shall not be more than one hundred twenty-five percent of the average value of the stopping time at the top crankshaft position. Compliance with this requirement shall be determined by using the heaviest upper die to be used on the press, and operating at the fastest press speed if there is speed selection.

(c) Where brake engagement and clutch release is effected by spring action, such spring(s) shall operate in compression on a rod or within a hole or tube, and shall be of noninterleaving design.

(3) Pneumatic systems.

(a) Air valve and air pressure supply/control.

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(i) The requirements of WAC 296-24-19505 (7)(m) and (n), (10), (12) and WAC 296-24-19507 (5)(c) of this part apply to the pneumatic systems of machines used in the PSDI mode.

(ii) The air supply for pneumatic clutch/brake control valves shall incorporate a filter, an air regulator, and, when necessary for proper operation, a lubricator.

(iii) The air pressure supply for clutch/brake valves on machines used in the PSDI mode shall be regulated to pressures less than or equal to the air pressure used when making the stop time measurements required by subsection (2)(b) of this section.

(b) Air counterbalance systems.

(i) Where presses that have slide counterbalance systems are used in the PSDI mode, the counterbalance system shall also meet the requirements of WAC 296-24-19505(9) of this part.

(ii) Counterbalances shall be adjusted in accordance with the press manufacturer's recommendations to assure correct counterbalancing of the slide attachment (upper die) weight for all operations performed on presses used in the PSDI mode. The adjustments shall be made before performing the stopping time measurements required by subsections (2)(b), (5)(c), and (9)(f) of this section.

(4) Flywheels and bearings. Presses whose designs incorporate flywheels running on journals on the crankshaft or back shaft, or bull gears running on journals mounted on the crankshaft, shall be inspected, lubricated, and maintained as provided in subsection (10) of this section to reduce the possibility of unintended and uncontrolled press strokes caused by bearing seizure.

(5) Brake monitoring.

(a) Presses operated in the PSDI mode shall be equipped with a brake monitor that meets the requirements of ~~((subsections (13) and (14) of this section))~~ WAC 296-24-19505 (13) and (14). In addition, the brake monitor shall be adjusted during installation certification to prevent successive stroking of the press if increases in stopping time cause an increase in the safety distance above that required by subsection (9)(f) of this section.

(b) Once the PSDI safety system has been certified/validated, adjustment of the brake monitor shall not be done without prior approval of the validation organization for both the brake monitor adjustment and the corresponding adjustment of the safety distance. The validation organization shall in its installation validation, state that in what circumstances, if any, the employer has advance approval for adjustment, when prior oral approval is appropriate and when prior approval must be in writing. The adjustment shall be done under the supervision of an authorized person whose qualifications include knowledge of safety distance requirements and experience with the brake system and its adjustment. When brake wear or other factors extend press stopping time beyond the limit permitted by the brake monitor, adjustment, repair, or maintenance shall be performed on the brake or other press system element that extends the stopping time.

(c) The brake monitor setting shall allow an increase of no more than ten percent of the longest stopping time for the press, or ten milliseconds, whichever is longer, measured at the top of the stroke.

(6) Cycle control and control systems.

(a) The control system on presses used in the PSDI mode shall meet the applicable requirements of WAC ~~((296-24-19503))~~ 296-24-19505 (7), (8), and (13) and 296-24-19507(5) of this part.

(b) The control system shall incorporate a means of dynamically monitoring for decoupling of the rotary position indicating mechanism drive from the crankshaft. This monitor shall stop slide motion and prevent successive press strokes if decoupling occurs, or if the monitor itself fails.

(c) The mode selection means of WAC ~~((296-24-19503))~~ 296-24-19505 (7)(c) of this part shall have at least one position for selection of the PSDI mode. Where more than one interruption of the light sensing field is used in the initiation of a stroke, either the mode selection means must have one position for each function, or a separate selection means shall be provided which becomes operable when the PSDI mode is selected. Selection of PSDI mode and the number of interruptions/withdrawals of the light sensing field required to initiate a press cycle shall be by means capable of supervision by the employer.

(d) A PSDI set-up/reset means shall be provided which requires an overt action by the operator, in addition to PSDI mode selection, before operation of the press by means of PSDI can be started.

(e) An indicator visible to the operator and readily seen by the employer shall be provided which shall clearly indicate that the system is set-up for cycling in the PSDI mode.

(f) The control system shall incorporate a timer to deactivate PSDI when the press does not stroke within the period of time set by the timer. The timer shall be manually adjustable, to a maximum time of thirty seconds. For any timer setting greater than fifteen seconds, the adjustment shall be made by the use of a special tool available only to authorized persons. Following a deactivation of PSDI by the timer, the system shall make it necessary to reset the set-up/reset means in order to reactivate the PSDI mode.

(g) Reactivation of PSDI operation following deactivation of the PSDI mode from any other cause, such as activation of the red color stop control required by WAC ~~((296-24-19503 (7)(d)))~~ 296-24-19505 (7)(b) of this part, interruption of the presence sensing field, opening of an interlock, or reselection of the number of sensing field interruptions/withdrawals required to cycle the press, shall require resetting of the set-up/reset means.

(h) The control system shall incorporate an automatic means to prevent initiation or continued operation in the PSDI mode unless the press drive motor is energized in the forward direction of crankshaft rotation.

(i) The control design shall preclude any movement of the slide caused by operation of power on, power off, or selector switches, or from checks for proper operations as required by subdivision (m) of this subsection.

(j) All components and subsystems of the control system shall be designed to operate together to provide total control system compliance with the requirements of this section.

(k) Where there is more than one operator of a press used for PSDI, each operator shall be protected by a separate, independently functioning, presence sensing device. The control system shall require that each sensing field be interrupted the selected number of times prior to initiating a stroke. Further, each operator shall be provided with a set-

up/reset means that meets the requirements of this subsection, and which must be actuated to initiate operation of the press in the PSDI mode.

(l) The control system shall incorporate interlocks for supplemental guards, if used, which will prevent stroke initiation or will stop a stroke in progress if any supplemental guard fails or is deactivated.

(m) The control system shall perform checks for proper operation of all cycle control logic element switches and contacts at least once each cycle. Control elements shall be checked for correct status after power "on" and before the initial PSDI stroke.

(n) The control system shall have provisions for an "inch" operating means meeting the requirements of WAC 296-24-19505 (7)(d) of this part. Die-setting shall not be done in the PSDI mode. Production shall not be done in the "inch" mode.

(o) The control system shall permit only a single stroke per initiation command.

(p) Controls with internally stored programs (e.g., mechanical, electro-mechanical, or electronic) shall meet the requirements of WAC 296-24-19505(13) of this part, and shall default to a predetermined safe condition in the event of any single failure within the system. Programmable controllers which meet the requirements for controls with internally stored programs stated above shall be permitted only if all logic elements affecting the safety system and point of operation safety are internally stored and protected in such a manner that they cannot be altered or manipulated by the user to an unsafe condition.

(7) Environmental requirements. Control components shall be selected, constructed, and connected together in such a way as to withstand expected operational and environmental stresses, at least including those outlined in WAC 296-24-20700. Such stresses shall not so affect the control system as to cause unsafe operation.

(8) Safety system.

(a) Mechanical power presses used in the PSDI mode shall be operated under the control of a safety system which, in addition to meeting the applicable requirements of WAC 296-24-19505(13) and 296-24-19507(5) and other applicable provisions of this part, shall function such that a single failure or single operating error shall not cause injury to personnel from point of operation hazards.

(b) The safety system shall be designed, constructed, and arranged as an integral total system, including all elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator and that part of the environment which has effect on the protection against point of operation hazards.

(9) Safeguarding the point of operation.

(a) The point of operation of presses operated in the PSDI mode shall be safeguarded in accordance with the requirements of WAC 296-24-19507 of this part, except that the safety distance requirements of (f) of this subsection shall be used for PSDI operation.

(b) PSDI shall be implemented only by use of light curtain (photo-electric) presence sensing devices which meet the requirements of WAC 296-24-19507 (3)(c)(iii) of this part unless the requirements of (c) of this subsection have been met.

(c) Alternatives to photo-electric light curtains may be used for PSDI when the employer can demonstrate, through tests and analysis by the employer or the manufacturer, that the alternative is as safe as the photo-electric light curtain, that the alternative meets the conditions of this section, has the same long-term reliability as light curtains and can be integrated into the entire safety system as provided for in this section. Prior to use, both the employer and manufacturer must certify that these requirements and all the other applicable requirements of this section are met and these certifications must be validated by an OSHA-recognized third-party validation organization to meet these additional requirements and all the other applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part. Three months prior to the operation of any alternative system, the employer must notify the OSHA Directorate of Safety Standards Programs of the name of the system to be installed, the manufacturer and the OSHA-recognized third-party validation organization immediately. Upon request, the employer must make available to that office all tests and analyses for OSHA review.

(d) Individual sensing fields of presence sensing devices used to initiate strokes in the PSDI mode shall cover only one side of the press.

(e) Light curtains used for PSDI operation shall have minimum object sensitivity not to exceed one and one-fourth inches (31.75 mm). Where light curtain object sensitivity is user-adjustable, either discretely or continuously, design features shall limit the minimum object sensitivity adjustment not to exceed one and one-fourth inches (31.75 mm). Blanking of the sensing field is not permitted.

(f) The safety distance (Ds) from the sensing field of the presence sensing device to the point of operation shall be greater than or equal to the distance determined by the formula:

$$Ds=Hs(Ts+Tp+Tr+2Tm)+Dp$$

Where:

Ds=Minimum safety distance.

Hs=Hand speed constant of sixty-three inches per second (1.6 m/s).

Ts=Longest press stopping time, in seconds, computed by taking averages of multiple measurements at each of three positions (forty-five degrees, sixty degrees, and ninety degrees) of crankshaft angular position; the longest of the three averages is the stopping time to use. (Ts is defined as the sum of the kinetic energy dissipation time plus the pneumatic/magnetic/hydraulic reaction time of the clutch/brake operating mechanism(s).)

Tp=Longest presence sensing device response time, in seconds.

Tr=Longest response time, in seconds, of all interposing control elements between the presence sensing device and the clutch/brake operating mechanism(s).

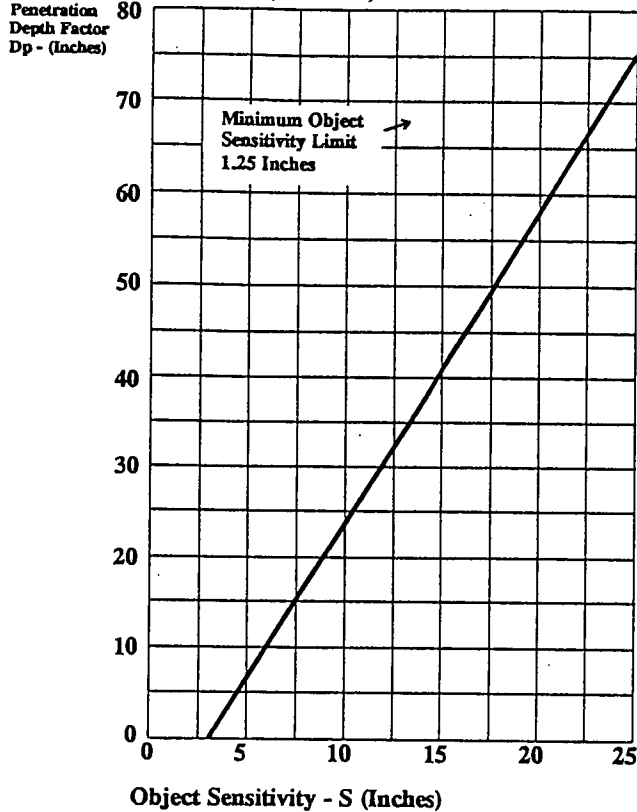
Tm=Increase in the press stopping time at the top of the stroke, in seconds, allowed by the brake monitor for brake wear. The time increase allowed shall be limited to no more than ten percent of the longest press stopping time measured

at the top of the stroke, or ten milliseconds, whichever is longer.

Dp=Penetration depth factor, required to provide for possible penetration through the presence sensing field by fingers or hand before detection occurs. The penetration depth factor shall be determined from Graph A-1 using the minimum object sensitivity size.

Penetration Depth Factor Calculation

$DP = 3.4 (S - 0.276)$



(g) The presence sensing device location shall either be set at each tool change and set-up to provide at least the minimum safety distance, or fixed in location to provide a safety distance greater than or equal to the minimum safety distance for all tooling set-ups which are to be used on that press.

(h) Where presence sensing device location is adjustable, adjustment shall require the use of a special tool available only to authorized persons.

(i) Supplemental safeguarding shall be used to protect all areas of access to the point of operation which are unprotected by the PSDI presence sensing device. Such supplemental safeguarding shall consist of either additional light curtain (photo-electric) presence sensing devices or other types of guards which meet the requirements of WAC 296-24-19507 and ((296-24-19513)) 296-24-19517 of this part.

(i) Presence sensing devices used as supplemental safeguarding shall not initiate a press stroke, and shall conform to the requirements of WAC 296-24-19507 (3)(c) and other applicable provisions of this part, except that the safety distance shall comply with (f) of this subsection.

(ii) Guards used as supplemental safeguarding shall conform to the design, construction and application require-

ments of WAC 296-24-19507(2) of this part, and shall be interlocked with the press control to prevent press PSDI operation if the guard fails, is removed, or is out of position.

(j) Barriers shall be fixed to the press frame or bolster to prevent personnel from passing completely through the sensing field, where safety distance or press configuration is such that personnel could pass through the PSDI presence sensing field and assume a position where the point of operation could be accessed without detection by the PSDI presence sensing device. As an alternative, supplemental presence sensing devices used only in the safeguard mode may be provided. If used, these devices shall be located so as to detect all operator locations and positions not detected by the PSDI sensing field, and shall prevent stroking or stop a stroke in process when any supplemental sensing field(s) are interrupted.

(k) Hand tools. Where tools are used for feeding, removal of scrap, lubrication of parts, or removal of parts that stick on the die in PSDI operations:

(i) The minimum diameter of the tool handle extension shall be greater than the minimum object sensitivity of the presence sensing device(s) used to initiate press strokes; or

(ii) The length of the hand tool shall be such as to ensure that the operator's hand will be detected for any safety distance required by the press set-ups.

(10) Inspection and maintenance.

(a) Any press equipped with presence sensing devices for use in PSDI, or for supplemental safeguarding on presses used in the PSDI mode, shall be equipped with a test rod of diameter specified by the presence sensing device manufacturer to represent the minimum object sensitivity of the sensing field. Instructions for use of the test rod shall be noted on a label affixed to the presence sensing device.

(b) The following checks shall be made at the beginning of each shift and whenever a die change is made.

(i) A check shall be performed using the test rod according to the presence sensing device manufacturer's instructions to determine that the presence sensing device used for PSDI is operational.

(ii) The safety distance shall be checked for compliance with subsection (9)(f) of this section.

(iii) A check shall be made to determine that all supplemental safeguarding is in place. Where presence sensing devices are used for supplemental safeguarding, a check for proper operation shall be performed using a test rod according to the presence sensing device manufacturer's instructions.

(iv) A check shall be made to assure that the barriers and/or supplemental presence sensing devices required by subsection (9)(j) of this section are operating properly.

(v) A system or visual check shall be made to verify correct counterbalance adjustment for die weight according to the press manufacturer's instructions, when a press is equipped with a slide counterbalance system.

(c) When presses used in the PSDI mode have flywheel or bullgear running on crankshaft mounted journals and bearings, or a flywheel mounted on back shaft journals and bearings, periodic inspections following the press manufacturer's recommendations shall be made to ascertain that bearings are in good working order, and that automatic lubrication systems for these bearings (if automatic lubrication is provided) are supplying proper lubrication. On

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presses with provision for manual lubrication of flywheel or bullgear bearings, lubrication shall be provided according to the press manufacturer's recommendations.

(d) Periodic inspections of clutch and brake mechanisms shall be performed to assure they are in proper operating condition. The press manufacturer's recommendations shall be followed.

(e) When any check of the press, including those performed in accordance with the requirements of (b), (c), or (d) of this subsection, reveals a condition of noncompliance, improper adjustment, or failure, the press shall not be operated until the condition has been corrected by adjustment, replacement, or repair.

(f) It shall be the responsibility of the employer to ensure the competence of personnel caring for, inspecting, and maintaining power presses equipped for PSDI operation, through initial and periodic training.

(11) Safety system certification/validation.

(a) Prior to the initial use of any mechanical press in the PSDI mode, two sets of certification and validation are required:

(i) The design of the safety system required for the use of a press in the PSDI mode shall be certified and validated prior to installation. The manufacturer's certification shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part.

(ii) After a press has been equipped with a safety system whose design has been certified and validated in accordance with (a) of this subsection, the safety system installation shall be certified by the employer, and then shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part.

(b) At least annually thereafter, the safety system on a mechanical power press used in the PSDI mode shall be recertified by the employer and revalidated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through ~~((296-24-19513))~~ 296-24-19517 and 296-24-20700 of this part. Any press whose safety system has not been recertified and revalidated within the preceding twelve months shall be removed from service in the PSDI mode until the safety system is recertified and revalidated.

(c) A label shall be affixed to the press as part of each installation certification/validation and the most recent recertification/revalidation. The label shall indicate the press serial number, the minimum safety distance (Ds) required by subsection (9)(f) of this section, the fulfillment of design certification/validation, the employer's signed certification, the identification of the OSHA-recognized third-party validation organization, its signed validation, and the date the certification/validation and recertification/revalidation are issued.

(d) Records of the installation certification and validation and the most recent recertification and revalidation shall be maintained for each safety system equipped press by the employer as long as the press is in use. The records shall include the manufacture and model number of each component and subsystem, the calculations of the safety distance as

required by subsection (9)(f) of this section, and the stopping time measurements required by subsection (2)(b) of this section. The most recent records shall be made available to OSHA/WISHA upon request.

(e) The employer shall notify the OSHA-recognized third-party validation organization within five days whenever a component or a subsystem of the safety system fails or modifications are made which may affect the safety of the system. The failure of a critical component shall necessitate the removal of the safety system from service until it is recertified and revalidated, except recertification by the employer without revalidation is permitted when a noncritical component or subsystem is replaced by one of the same manufacture and design as the original, or determined by the third-party validation organization to be equivalent by similarity analysis, as set forth in WAC 296-24-20700.

(f) The employer shall notify the OSHA-recognized third-party validation organization within five days of the occurrence of any point of operation injury while a press is used in the PSDI mode. This is in addition to the report of injury required by ~~((chapter 296-27))~~ WAC 296-24-19517; however, a copy of that report may be used for this purpose.

(12) Die setting and work set-up.

(a) Die setting on presses used in the PSDI mode shall be performed in accordance with WAC 296-24-19509.

(b) The PSDI mode shall not be used for die setting or set-up. An alternative manual cycle initiation and control means shall be supplied for use in die setting which meets the requirements of WAC 296-24-19505(7).

(c) Following a die change, the safety distance, the proper application of supplemental safeguarding, and the slide counterbalance adjustment (if the press is equipped with a counterbalance) shall be checked and maintained by authorized persons whose qualifications include knowledge of the safety distance, supplemental safeguarding requirements, and the manufacturer's specifications for counterbalance adjustment. Adjustment of the location of the PSDI presence sensing device shall require use of a special tool available only to the authorized persons.

(13) Operator training.

(a) The operator training required by WAC 296-24-19513(2) shall be provided to the employee before the employee initially operates the press and as needed to maintain competence, but not less than annually thereafter. It shall include instruction relative to the following items for presses used in the PSDI mode.

(i) The manufacturer's recommended test procedures for checking operation of the presence sensing device. This shall include the use of the test rod required by subsection (10)(a) of this section.

(ii) The safety distance required.

(iii) The operation, function, and performance of the PSDI mode.

(iv) The requirements for handtools that may be used in the PSDI mode.

(v) The severe consequences that can result if the operator attempts to circumvent or by-pass any of the safeguard or operating functions of the PSDI system.

(b) The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the

training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The certification record shall be made available upon request to the Assistant Secretary for Occupational Safety and Health or the designated representative of the director.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-14501 Definitions. Acceptable entry conditions means the conditions that must exist in a permit space to allow entry and to ensure that employees involved with a permit-required confined space entry can safely enter into and work within the space.

Attendant means an individual stationed outside one or more permit spaces who monitors the authorized entrants and who performs all attendant's duties assigned in the employer's permit space program.

Authorized entrant means an employee who is authorized by the employer to enter a permit space.

Blanking or blinding means the absolute closure of a pipe, line, or duct by the fastening of a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore and that is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (For example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Double block and bleed means the closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

Emergency means any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit space that could endanger entrants.

Engulfment means the surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

Entry means the action by which a person passes through an opening into a permit-required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Entry permit (permit) means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified in WAC 296-62-14509.

Entry supervisor means the person (such as the employer, crew leader, or crew chief) responsible for determining if acceptable entry conditions are present at a permit space where entry is planned, for authorizing entry

and overseeing entry operations, and for terminating entry as required by this part.

Note: An entry supervisor also may serve as an attendant or as an authorized entrant, as long as that person is trained and equipped as required by this section for each role he or she fills. Also, the duties of entry supervisor may be passed from one individual to another during the course of an entry operation.

Hazardous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

(1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);

(2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

(3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

(4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in (~~Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances, of this part~~) chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

Hot work permit means the employer's written authorization to perform operations (for example, riveting, welding, cutting, burning, and heating) capable of providing a source of ignition.

Immediately dangerous to life or health (IDLH) means any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Inerting means the displacement of the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

Isolation means the process by which a permit space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

Line breaking means the intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

Nonpermit confined space means a confined space that does not contain or, with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

Oxygen deficient atmosphere means an atmosphere containing less than 19.5 percent oxygen by volume.

Oxygen enriched atmosphere means an atmosphere containing more than 23.5 percent oxygen by volume.

Permit-required confined space (permit space) means a confined space that has one or more of the following characteristics:

(1) Contains or has a potential to contain a hazardous atmosphere;

(2) Contains a material that has the potential for engulfing an entrant;

(3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

(4) Contains any other recognized serious safety or health hazard.

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Permit system means the employer's written procedure for preparing and issuing permits for entry and for returning the permit space to service following termination of entry.

Prohibited condition means any condition in a permit space that is not allowed by the permit during the period when entry is authorized.

Rescue service means the personnel designated to rescue employees from permit spaces.

Retrieval system means the equipment (including a retrieval line, chest or full-body harness, wristlets, if appropriate, and a lifting device or anchor) used for nonentry rescue of persons from permit spaces.

Testing means the process by which the hazards that may confront entrants of a permit space are identified and evaluated. Testing includes specifying the tests that are to be performed in the permit space.

Note: Testing enables employers both to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present immediately prior to, and during, entry.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-14529 Appendix E—Sewer system entry. Sewer entry differs in three vital respects from other permit entries:

- There rarely exists any way to completely isolate the space (a section of a continuous system) to be entered;

- Because isolation is not complete, the atmosphere may suddenly and unpredictably become lethally hazardous (toxic, flammable or explosive) from causes beyond the control of the entrant or employer; and

- Experienced sewer workers are especially knowledgeable in entry and work in their permit spaces because of their frequent entries. Unlike other employments where permit space entry is a rare and exceptional event, sewer workers' usual work environment is a permit space.

(1) Adherence to procedure. The employer should designate as entrants only employees who are thoroughly trained in the employer's sewer entry procedures and who demonstrate that they follow these entry procedures exactly as prescribed when performing sewer entries.

(2) Atmospheric monitoring. Entrants should be trained in the use of, and be equipped with, atmospheric monitoring equipment which sounds an audible alarm, in addition to its visual readout, whenever one of the following conditions is encountered: Oxygen concentration less than 19.5 percent; flammable gas or vapor at ten percent or more of the lower flammable limit (LFL); or hydrogen sulfide or carbon monoxide at or above 10 ppm or 35 ppm, respectively, measured as an eight-hour time-weighted average.

Atmospheric monitoring equipment needs to be calibrated according to the manufacturer's instructions. The oxygen sensor/broad range sensor is best suited for initial use in situations where the actual or potential contaminants have not been identified, because broad range sensors, unlike substance-specific sensors, enable employers to obtain an overall reading of the hydrocarbons (flammables) present in the space.

However, such sensors only indicate that a hazardous threshold of a class of chemicals has been exceeded. They do not measure the levels of contamination of specific substances. Therefore, substance-specific devices, which measure the actual levels of specific substances, are best suited for use where actual and potential contaminants have been identified.

The measurements obtained with substance-specific devices are of vital importance to the employer when decisions are made concerning the measures necessary to protect entrants (such as ventilation or personal protective equipment) and the setting and attainment of appropriate entry conditions. However, the ((sewer)) sewer environment may suddenly and unpredictably change, and the substance-specific devices may not detect the potentially lethal atmospheric hazards which may enter the ((sewer)) sewer environment.

(a) Although WISHA considers the information and guidance provided above to be appropriate and useful in most sewer entry situations, the department emphasizes that each employer must consider the unique circumstances, including the predictability of the atmosphere, of the sewer permit spaces in the employer's workplace in preparing for

entry. Only the employer can decide, based upon his or her knowledge of, and experience with permit spaces in sewer systems, what the best type of testing instrument may be for any specific entry operation.

(b) The selected testing instrument should be carried and used by the entrant in sewer line work to monitor the atmosphere in the entrant's environment, and in advance of the entrant's direction of movement, to warn the entrant of any deterioration in atmospheric condition. Where several entrants are working together in the same immediate location, one instrument, used by the lead entrant, is acceptable.

(3) Surge flow and flooding. Sewer crews should develop and maintain liaison, to the extent possible, with the local weather bureau and fire and emergency services in their area so that sewer work may be delayed or interrupted and entrants withdrawn whenever sewer lines might be suddenly flooded by rain or fire suppression activities, or whenever flammable or other hazardous materials are released into sewers during emergencies by industrial or transportation accidents.

(4) Special equipment. Entry into large bore sewers may require the use of special equipment. Such equipment might include such items as atmosphere monitoring devices with automatic audible alarms, escape self-contained breathing apparatus (ESCBAs) with at least ten minute air supply (or other NIOSH approved self-rescuer), and waterproof flashlights, and may also include boats and rafts, radios and rope stand-offs for pulling around bends and corners as needed.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-20301 Definitions. Confined space means a space that:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(3) Is not designed for continuous employee occupancy.

"Corrosives" means substances which in contact with living tissue cause destruction of the tissue by chemical action.

"Hazardous atmosphere" means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

(1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);

(2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52m) or less.

(3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

(4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in (~~Subpart G, Occupational Health and Environmental~~

~~Control, or in Subpart Z, Toxic and Hazardous Substances, of this part)) chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;~~

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"Irritants" means substances which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

"Oxygen deficient atmospheres" means atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See chapter 296-62 WAC, Part M, permit-required confined spaces.)

"Toxicants" means substances which have the inherent capacity to produce personal injury or illness to persons by absorption through any body surface.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane

superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

((Note: When decals, illustrating hand signals, are available from the division or otherwise, they should be posted at the operator's station.))

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a

government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) ~~(Wire rope shall be taken out of service when any of the following conditions exist:~~

~~(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;~~

~~(ii) Wear of one third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;~~

~~(iii) Evidence of any heat damage from any cause;~~

~~(iv) Reductions from nominal diameter of more than one sixty fourth inch for diameters up to and including five sixteenths inch, one thirty second inch for diameters three eighths inch to and including one half inch, three sixty fourths inch for diameters nine sixteenths inch to and including three fourths inch, one sixteenth inch for diameter seven eighths inch to 1 1/8 inches inclusive, three thirty seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;~~

~~(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.~~

~~(vi) Wire rope safety factors shall be in accordance with American National Standards Institute B 30.5 1968 or SAE J959 1966.~~

~~(g) The foot block of every derrick shall be securely supported and firmly secured against movement in any direction. Proper shores shall be placed against the foot blocks of the derrick to take the pull of the hoisting engine.~~

~~(h) Derricks shall be operated only by authorized personnel.~~

~~(i) The top of the mast on guy derricks shall be steadied by not less than six guy cables equally spaced.~~

~~(j) On guy derricks, eyes shall be formed in the guys at the masthead end by bending back the ends of the cables and clamping the ends with at least three clamps.~~

~~(k)) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.~~

~~((H)) (g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.~~

~~((m) When "dead men" are used as anchors, the cable shall be so attached that the concentrated load will not cause a shear stress on the "dead men."~~

~~(n) On stiff leg derricks where the boom is longer than the mast, care shall be taken to see that the goose-necks are fitted to the stiff legs in a manner so that there will be no undue friction on the gudgeon pin.~~

~~(o) A collar shall be placed on the gudgeon pin above the goose neck, and a hole drilled through the collar and the gudgeon pin, through which a steel bolt shall be passed to hold the collar in position; the steel bolt shall be of sufficient size to prevent the goose-neck from shearing it off when the loaded boom is swung against the stiff leg.~~

~~(p) Double sets of bolts shall be used to fasten back legs of a stiff leg derrick.~~

~~(q) Particular attention shall be given to the weighting and anchoring of stiff leg derricks.~~

~~((r))~~ (h) The operator shall avoid carrying loads over people.

~~((s))~~ (i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

~~((t))~~ (j) Only authorized personnel shall make sling hitches on loads.

~~((u))~~ (k) Workers shall not be allowed to ride on loads handled by derricks.

~~((v))~~ (l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

~~((w))~~ ~~Bell, whistle, electric or visual signals shall be provided in connection with all hoists and cableways where an operator is stationed at the power device. Hoist signaling devices shall be so located as to minimize the possibility of signaling accidentally and located so that they cannot be operated by a person standing on hoist or bucket.~~

~~((x))~~ (m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of ~~((the American National Standards Institute, B 15.1 1958 Rev., Safety Code for Mechanical Power Transmission Apparatus))~~ chapter 296-24 WAC.

~~((y))~~ (n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

~~((z))~~ (o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

~~((2))~~ (3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) ~~((All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.))~~ All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab ~~((conforming to~~

~~American National Standards Institute, B30.5-1968))~~ in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews

shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

~~((3))~~ (4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-~~((1968))~~ 1989, Safety Code for Crawler, Locomotive and Truck Cranes.

~~((4))~~ (5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

~~((Note:))~~ (iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

~~((f))~~ ~~((Prior to initial use, all newly erected or altered cranes shall be tested with the design rated load to insure compliance with this standard, including the following functions:))~~

~~((i))~~ ~~Hoisting and lowering;~~

~~((ii))~~ ~~Trolley travel;~~

~~((iii))~~ ~~Swing motion;~~

~~((iv))~~ ~~Limit, locking and safety devices;~~

~~((v))~~ ~~Crane travel where applicable; and~~

~~((vi))~~ ~~Foundation and erection.~~

~~Note:))~~ Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-~~((1975))~~ 1990 Chapter 3-1.

~~((A))~~ (i) The test shall consist of suspending a load of not less than ~~((100%))~~ 110% of the rated capacity for ~~((five))~~ 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

~~((B))~~ (ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any

operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) ~~((o))~~ ~~Operators shall not occupy cabs of remotely controlled stations during repositioning operations.~~

~~((o))~~ An approved and safe means shall be provided for access to operator's cab and machinery platform.

~~((p))~~ (o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

~~((q))~~ (p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

~~((r))~~ (q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

~~((s))~~ (r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

~~((t))~~ (s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

~~((u))~~ (t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

~~((v))~~ (u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

~~((w))~~ (v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

~~((x))~~ (w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

~~((y))~~ (x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

~~((z))~~ (y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

~~((1))~~ (6) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See ~~((NOTE under))~~ WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

~~((6))~~ (7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed

in ANSI B30.2.0-((1967)) 1990, Safety Code for Overhead and Gantry Cranes.

((7)) (8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-((1969)) 1990, Safety Code for Derricks.

((8)) (9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

((9)) (10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge ((brackets)) beackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

NEW SECTION

WAC 296-155-527 Appendix A to WAC 296-155-525. Due to crane design configuration to maintain mobility, sheave diameters and rope, design factors are limited. Because of these limited design parameters, inspection to detect deterioration in accordance with subsections below and timely replacement are essential.

(1) Frequent inspection.

(a) All running ropes in service should be visually inspected once each working day. A visual inspection shall consist of observation of all rope which can reasonably be expected to be in use during the day's operations. These visual observations should be concerned with discovering gross damage, such as listed below, which may be an immediate hazard:

(i) Distortion of the rope such as kinking, crushing, unstranding, birdcaging, main strand displacement, or core protrusion. Loss of rope diameter in a short rope length or unevenness of outer strands should provide evidence that the rope or ropes must be replaced.

(ii) General corrosion.

(iii) Broken or cut strands.

(iv) Number, distribution and type of visible broken wires. (See subsection below for further guidance.)

(v) Core failure in rotation resistant ropes. When such damage is discovered the rope shall be either removed from service or given an inspection as detailed in periodic inspection.

(b) Care shall be taken when inspecting sections of rapid deterioration such as flange points, crossover points and repetitive pickup points on drums.

(c) Care shall be taken when inspecting certain ropes such as the following:

(i) Rotation resistant ropes, because of their higher susceptibility to damage and increased deterioration when working on equipment with limited design parameters. The internal deterioration of rotation resistant ropes may not be readily observable.

(ii) Boom hoist ropes, because of the difficulties of inspection and the important nature of these ropes.

(2) Periodic inspection.

(a) The inspection frequency shall be determined by a qualified person and shall be based on such factors as expected rope life as determined by experience on the particular installation or similar installations, severity of environment, percentage of capacity lifts, frequency rates of operation, and exposure to shock loads. Inspections need not be at equal calendar intervals and should be more frequent as the rope approaches the end of its useful life. This inspection shall be performed at least annually.

(b) Periodic inspections shall be performed by a qualified person. This inspection shall cover the entire length of rope. Only the surface wires of the rope need be inspected. No attempt should be made to open the rope. Any deterioration resulting in an appreciable loss of original strength, such as described below, shall be noted and determination made as to whether further use of the rope would constitute a hazard:

(i) Points listed in subsection (1) of this section (Frequent inspection).

(ii) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(iii) Severely corroded or broken wires at end connections.

(c) Care shall be taken when inspecting sections of rapid deterioration, such as the following:

(i) Sections in contact with saddles, equalizer sheaves, or other sheaves where rope travel is limited;

(ii) Sections of the rope at or near terminal ends where corroded or broken wires may protrude.

(3) Rope replacement.

(a) No precise rules can be given for determination of the exact time for replacement of rope, since many variable factors are involved. Continued use in this respect depends largely upon good judgment by an appointed or authorized person in evaluating remaining strength in a used rope after allowance for deterioration disclosed by inspection. Continued rope operations depends upon this remaining strength.

(b) Conditions such as the following shall be sufficient reason for questioning continued use of the rope or increasing the frequency of inspection:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay (for special conditions relating to rotation resistant rope refer to paragraph 5-3.2.1.1 (d)(1)(b) ANSISME B30.5 1989).

(ii) One outer wire broken at the point of contact with the core of the rope which has worked its way out of the rope structure and protrudes or loops out from the rope structure. Additional inspection of this section is required.

(iii) Wear of one-third the original diameter of outside individual wires.

(iv) Kinking, crushing, birdcaging, or any other damage resulting in distortion of the rope structure.

(v) Evidence of any heat damage from any cause.

(vi) Reductions from nominal diameter of more than:

(A) 1/64 in. (0.4 mm) for diameters up to and including 5/16 in. (8.0 mm);

(B) 1/32 in. (0.8 mm) for diameters 3/8 in. (9.5 mm) to and including 1/2 in. (13.0 mm);

(C) 3/64 in. (1.2 mm) for diameters 9/16 in. (14.5 mm) to and including 3/4 in. (19.0 mm);

(D) 1/6 in. (1.6 mm) for diameters 7/8 in. (22.0 mm) to and including 1 1/8 in. (38.0 mm).

(vii) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(c) Replacement rope shall have a strength rating at least as great as the original rope furnished or recommended by the crane manufacturer. Any deviation from the original size, grade, or construction shall be specified by a rope manufacturer, the crane manufacturer or a qualified person.

(d) Rope not in regular use. All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given an inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed or authorized person.

(e) Inspection records:

(i) Frequent inspection; no records required.

(ii) **Periodic inspection:** In order to establish data as a basis for judging the proper time for replacement, a dated report of rope condition at each periodic inspection shall be kept on file. This report shall cover points of deterioration. If the rope is replaced only that part need be recorded.

(f) A long-range inspection program should be established and should include records on the examination of ropes removed from service so that a relationship can be established between visual observation and actual condition of the internal structure.

(4) **Rope maintenance.**

(a) Rope should be stored to prevent damage or deterioration.

(b) Unreeling or uncoiling of rope shall be done as recommended by the rope manufacturer and with care to avoid kinking or inducing a twist.

(c) Before cutting a rope, seizings shall be placed on each side of the place where the rope is to be cut to prevent unlaying of the strands. On preformed rope, one seizing on each side of the cut is required. On nonpreformed ropes of 7/8 in. (22 mm) diameter or smaller, two seizings on each side of the cut are required, and for nonpreformed rope of 1 in. (26 mm) diameter or larger, three seizings on each side of the cut are required.

(d) During installation, care should be exercised to avoid dragging of the rope in dirt or around objects which will scrape, nick, crush, or induce sharp bends in it.

(e) Rope should be maintained in a well lubricated condition. It is important that lubricant applied as part of a maintenance program shall be compatible with the original lubricant, and to this end, the rope manufacturer should be consulted; lubricant applied shall be of the type which does not hinder visual inspection. Those sections of rope which are located over sheaves or otherwise hidden during inspection and maintenance procedures require special attention when lubricating rope. The object of rope lubrication is to reduce internal friction and to prevent corrosion.

(f) When an operating rope shows greater wear at well-defined localized areas than on the remainder of the rope, rope life can be extended (in cases where a reduced rope length is adequate) by cutting off a section at the worn end, and thus shifting the wear to different areas of the rope.

(5) **Operating near electric power lines:**

(a) Cranes shall be operated so that no part of the crane or load enters into the danger zone.

Exceptions: The danger zone may be entered if the electrical distribution and transmission lines have been de-energized and visibly grounded at the point of work; or the danger zone may be entered if insulating barriers (not a part of nor an attachment to the crane) have been erected to prevent physical contact with the lines.

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load (including handling appendages) shall be 10 feet (3 m).

(ii) Caution shall be exercised when working near overhead lines because they can move horizontally or vertically due to wind, moving the danger zone to new positions.

(iii) While in transit with no load and boom lowered, the clearance shall be as specified in WAC 296-155-525 (3)(e).

(iv) A qualified signal person shall be assigned to observe the clearance when the crane moves to within a boom's length of the limits specified in WAC 296-155-525 (3)(e). The operator is not in the best position to judge distance between the power line and the crane or its protuberances.

(b) If cage-type boom guards, insulating links, or proximity warning devices are used on cranes, such devices shall not be a substitute for the requirements of WAC 296-155-525 (3)(e), even if such devices are required by law or regulation. In view of the complex, invisible, and lethal nature of the electrical hazard involved, and to lessen the potential of false security, limitations of such devices, if used, shall be understood by operating personnel and tested in the manner and intervals prescribed by the manufacturer of the device. Compliance with WAC 296-155-525 (3)(e) is the recommended practice of this regulation in determining permissible proximity of the crane and its protuberances, including load, to electrical power lines.

(c) Before the commencement of operations near electrical lines, the person responsible for the job shall notify the owners of the lines or their authorized representatives, provide them with all pertinent information, and request their cooperation.

(d) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities verify that it is not an energized line.

(e) Exceptions to this procedure, if approved by the owner of the electrical lines, may be granted by the administrative or regulatory authority if the alternate procedure provides protection and is set forth in writing.

(f) Durable signs shall be installed at the operator's station and on the outside of the crane warning that electrocution or serious bodily injury may occur unless a minimum clearance of 10 feet (3 m) is maintained between the crane or the load being handled and energized power lines. Greater clearances are required because of higher voltage as stated in WAC 296-155-525 (3)(e). These signs shall be revised when local jurisdiction requires greater clearances.

(6) **Site preparation and erection.**

(a) All load bearing foundations, supports, and rail tracks shall be constructed or installed to support the crane loads and to transmit them to the soil or other support medium. In addition to supporting vertical load, foundations and supports, rail supports excepted, should be designed to provide a moment resisting overturning equal to a minimum of 150% of the maximum crane overturning moment.

(b) Rails should be level and straight, unless specifically designed for curves or grades, and properly spaced for the crane trucks in accordance with the manufacturer's specifications. The track and support system should have sufficient rigidity to limit dynamic oscillations and deviations from plumb.

(c) Rails shall be securely attached to the supporting surface in a manner capable of resisting the horizontal and vertical loads specified by the manufacturer. When applicable, provisions should be made for thermal expansion and contraction.

(d) Splices in rail tracks (bolted or welded) shall have smooth joints.

(e) When required, a designated portion of the track should be arranged and constructed as an out-of-service parking area complete with means needed for supporting the crane against storm wind effects and anchoring it against unwanted movement along the track; the parking track should be in place before erection commences.

(f) Rails shall be electrically grounded when they carry cranes electrically powered from an outside source.

(g) Both ends of all tracks shall be provided with stops or buffers adjusted for simultaneous contact with both sides of the travel base.

(h) When more than one crane will be operating on a run of track, particular consideration should be given to the number and disposition of parking areas.

(i) The hazard of earthquake effects appropriated to the site or zone should be considered.

(j) The crane manufacturer shall provide maximum resulting loads at the base of the crane, or wheel loads, for use in design of the supports.

(7) General erection requirements.

(a) When cranes are erected, the manufacturer's or a qualified person's written erection instructions and a list of the weights of each component to be erected shall be at the site.

(b) Cranes shall be erected in accordance with the crane manufacturer's or a qualified person's recommendations. Erection shall be performed under the supervision of a qualified person.

(c) Procedures shall be established before erection work commences to implement the erection instructions and to adapt them to the particular needs of the site. The need for temporary guying and bracing during erection shall be established.

(d) Before crane components are erected, they shall be visually inspected for damage. Damaged members shall not be erected until repaired in accordance with the manufacturer's or qualified person's instructions, or replaced.

(e) Slings and lifting accessories shall be selected and arranged to avoid damaging or marring crane members during erection.

(f) Wind velocity at the site at the time of erection should be considered as a limiting factor that could require suspending the erection operation.

(g) Crane towers shall be erected plumb to a tolerance that is specified by the manufacturer.

(h) Cranes required to weathervane when out-of-service shall be installed with clearance for the boom and superstructure to swing a full 360° arc without striking a fixed object or other crane.

WSR 95-17-038
PERMANENT RULES
LOTTERY COMMISSION
[Filed August 10, 1995, 12:16 p.m.]

Date of Adoption: July 7, 1995.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 145 ("Monte Carlo"), 146 ("Holiday Bonus"), 147 ("Winning Pairs"), and 148 ("\$2 Bonus Bingo").

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 95-11-132 on May 24, 1995.

Changes Other than Editing from Proposed to Adopted Version: Game 148, "\$2 Bonus Bingo," was adopted with a revision to the game's name, the "wild" play symbol was eliminated, and the number of play symbols on each "Caller's Card" was increased from 24 to 27.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 3, 1995

Evelyn P. Yenson










Director

NEW SECTION

WAC 315-11A-145 Instant Game Number 145 ("Monte Carlo"). (1) Definitions for Instant Game Number 145.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six play spots shall be labeled "house chip numbers."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 145, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	ONE
	TWO
	THR
	FOR
	FIV
	SIX
	SVN
	EGT
	NIN

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(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$7.00," "\$10.00," "\$20.00," "\$35.00," and "\$7,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "house chip numbers."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 145, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 35.00	THRTYFV
\$ 7,000	SVNTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 14500001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 145 constitute the "pack number" which starts at 14500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 145, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FIV	\$ 5.00 (\$2, \$1, \$1 AND \$1; \$3, \$1 AND \$1)
SVN	\$ 7.00 (\$4, \$1, \$1 AND \$1; \$3, \$3 AND \$1)
FRN	\$ 14.00 (\$7, \$4 AND \$3; \$10, \$2, \$1 AND \$1)
TTN	\$ 21.00 (\$10, \$5, \$5 AND \$1; \$10, \$7, \$3 AND \$1)
SVY	\$ 70.00 (\$20, \$20, \$20 AND \$10; \$35 AND \$35)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) **Criteria for Instant Game Number 145.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly one of the two play symbols labeled "house chip numbers," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or payable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 145 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 145; and/or

(ii) Vary the number of tickets sold in Instant Game Number 145 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) **Ticket validation requirements for Instant Game Number 145.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 145 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "house chip numbers" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

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(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 25.00	TWF DOL
\$ 1,000	ONETHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 14600001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 146 constitute the "pack number" which starts at 14600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 146, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:










<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1, AND \$1; \$3 AND \$1)
TEN	\$ 10.00 (\$2, \$2, \$2, \$2 AND \$2; \$4, \$2, \$2, \$1 AND \$1)
FTN	\$ 15.00 (\$3, \$3, \$3, \$3 AND \$3; \$7, \$7 AND \$1)
TWY	\$ 20.00 (\$5, \$5, \$5, \$3 AND \$2; \$10, \$5, \$3, \$1 AND \$1)
FTY	\$ 50.00 (\$10, \$10, \$10, \$10 AND \$10; \$25 AND \$25)

NEW SECTION

WAC 315-11A-146 Instant Game Number 146 ("Holiday Bonus"). (1) Definitions for Instant Game Number 146.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning symbol."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 146, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	CCANE
	SNWMN
	CANDL
	FLAKE
	BELL
	SOLDR
	WGIFT
	MISTL
	CHMNY

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$7.00," "\$10.00," "\$25.00," and "\$1,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning symbol."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 146, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 146.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning symbol," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

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(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 146 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 146; and/or

(ii) Vary the number of tickets sold in Instant Game Number 146 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 146.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 146 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning symbol" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.





NEW SECTION

WAC 315-11A-147 Instant Game Number 147 ("Winning Pairs"). (1) Definitions for Instant Game Number 147.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Two of these play symbols appear in each of the four play spots under the latex covering on the front of the ticket. The latex covered area shall be known

as the playfield. The play spots shall be labeled "Hand 1," "Hand 2," "Hand 3," and "Hand 4."

(b) Play symbol captions: The small printed characters appearing at the bottom of each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears at the bottom of each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 147, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	TWO
	THREE
	FOUR
	FIVE
	SIX
	SEVEN
	EIGHT
	NINE
	TEN
	JACK

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$6.00," "\$8.00," "\$16.00," "\$20.00," "\$40.00," and "\$4,000." One of these prize symbols appears below each pair of captioned play symbols.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 147, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 16.00	SXT DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 14700001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight

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digits of the pack-ticket number for Instant Game Number 147 constitute the "pack number" which starts at 14700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 147, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
SIX	\$ 6.00 (\$3, \$1, \$1 AND \$1; \$3 AND \$3)
EGT	\$ 8.00 (\$4, \$2, \$1 AND \$1; \$2, \$2, \$2 AND \$2)
SXT	\$ 16.00 (\$4, \$4, \$4 AND \$4; \$8, \$4 AND \$4)
THT	\$ 32.00 (\$8, \$8, \$8 AND \$8; \$16, \$8, \$4 AND \$4)
ETY	\$ 80.00 (\$20, \$20, \$20 AND \$20; \$40 AND \$40)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 147.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the two play symbols appearing within one of the play spots match exactly, the matching play symbols shall be winning play symbols, and the bearer of the ticket shall win the prize below the winning play symbols.

(ii) The bearer of a ticket which has more than one pair of winning play symbols shall win the total of the prizes below each pair of winning play symbols.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 147 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 147; and/or

(ii) Vary the number of tickets sold in Instant Game Number 147 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 147.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 147 all of the following validation requirements apply:

(i) Exactly two play symbols must appear in each of the four play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption at the bottom of it and each must agree with its caption.

(iii) Each pair of play symbols shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-148 Instant Game Number 148 (" \$2 Bonus Bingo"). (1) Definitions for Instant Game Number 148.

(a) Play symbols: The play symbols are all the integers from "1" to "75," inclusive, and the word "free." Twenty-four of these play symbols shall appear in each of four play fields on the front of the ticket. Each playfield shall be known as a "player's card" and each ticket shall have four player's cards, one each labeled "Card 1," "Card 2," "Card 3," and "Card 4." The 24 play symbols in each card shall be placed in a 5-play-symbol by 5-play-symbol configuration with a "free" space in the center of each card. Each ticket shall have a "Caller's Card" which shall have 27 play symbols which shall be covered by latex.

(b) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(c) Pack-ticket number: The twelve-digit number of the form 14800001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 148 constitute the "pack number" which starts at 14800001; the last three digits constitute the "ticket number" which

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starts at 000 and continues through 199 within each pack of tickets.

(d) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket in the Caller's Card section which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 148, the retailer verification code is a three-letter code, with each letter appearing beneath the removable covering and among the play symbols in the Caller's Card section on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
THR	\$ 3.00
FIV	\$ 5.00 (\$2 AND \$3)
TEN	\$ 10.00
TWF	\$ 25.00
TRY	\$ 30.00 (\$2, \$3 AND \$25)
FRY	\$ 40.00 (\$2, \$3, \$10 AND \$25)
FTY	\$ 50.00
OHF	\$ 150.00 (\$25, \$25 AND \$100; \$150)
TWH	\$ 200.00 (\$50 AND \$150; \$25, \$25, \$50 AND \$100)
THF	\$ 250.00
FVH	\$ 500.00

(e) Pack: A set of one hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 148.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the play symbols in any of the player's cards, which match exactly the play symbols in the Caller's Card, form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

- Card 1: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00.
 - A matching play symbol in each and every corner space of Card 1 shall entitle the bearer to \$25.00.
 - Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.
- Card 2: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00.
 - A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.
 - Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.

- Card 3: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00.
 - A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$100.00.
 - Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$500.00. The "X" must have the "free" space at its center.
- Card 4: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00.
 - A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$200.00.
 - Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$10,000. The "X" must have the "free" space at its center.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that where there is more than one win possible on one player's card, only the highest prize on that player's card shall be paid.

(iii) Play symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 148 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 148; and/or

(ii) Vary the number of tickets sold in Instant Game Number 148 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 148.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 148 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 27 play symbols must appear in the Caller's Card section on the front of the ticket.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file

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with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

WSR 95-17-039
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 95-07 Filed August 10, 1995, 12:58 p.m.]

Date of Adoption: August 7, 1995.

Purpose: To adopt an amendment to the city of Redmond shoreline master program.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2519.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Adopted under notice filed as WSR 95-12-092 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 7, 1995

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 89-58, filed 1/3/90, effective 2/3/90)

WAC 173-19-2519 Redmond, city of. City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. Revision approved October 20, 1986. Revision approved January 2, 1990. Revision approved August 7, 1995.

WSR 95-17-040
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed August 10, 1995, 1:40 p.m.]

Date of Adoption: August 9, 1995.

Purpose: WAC 314-16-060 prohibits curb and drive-up service for the sale of beer and wine from holders of Class E and/or F licenses. Amendatory language adopted would allow walk-up windows if approved by the board after having met certain specifications.

Citation of Existing Rules Affected by this Order: Amending WAC 314-16-060.

Statutory Authority for Adoption: RCW 66.08.050.

Adopted under notice filed as WSR 95-13-042 on June 15, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 10, 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 95-17-045
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed August 11, 1995, 11:00 a.m.]

Date of Adoption: August 9, 1995.

Purpose: (1) Recognize new names of three accrediting associations; (2) recognize two additional accrediting associations; and (3) enumerate additional standards for institutional participation.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-011, 250-20-015, 250-20-021, and 250-20-041; and new section WAC 250-20-013.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Pursuant to notice filed as WSR 95-13-111 on June 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: (1) The use of default rates, withdrawal rates and provisional certification for the purpose of determining institutional eligibility to participate in the state need grant program was changed from fixed criteria to one of several criteria to be considered for participation; and (2) limitation on the number of terms for certificate and associate degree programs was dropped.

Effective Date of Rule: Thirty-one days after filing.

August 11, 1995

John Klacik

Associate Director for

Student Financial Aid

AMENDATORY SECTION (Amending WSR 95-10-007, filed 4/24/95, effective 5/26/95 [5/25/95])

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).

(5) Not be pursuing a degree in theology.

(6) 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. 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.

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 for participation in the state need grant program. To be eligible to participate, a postsecondary institution must:

(a) Be a public university, college, community college, or vocational-technical institute operated by the state of Washington, or any political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level 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 program.

(2) In addition, a for-profit institution must:

(a) Be certified for participation in the federal Title IV student financial aid programs. A for-profit institution that is provisionally certified for participation in the federal Title IV student financial aid programs due to its failure to meet the factors of administrative capability or financial responsibility as stated in federal regulations, or whose participation has been limited or suspended, is not eligible to participate in the state need grant program until its full eligibility has been reinstated.

(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 such factors as the adequacy of staffing levels, staff training and experience in administering student financial aid programs, standards of administrative capability specified for purposes of federal Title IV program eligibility, its student withdrawal rate, its federal student loan cohort default rate, and such other factors as are reasonable. In determining the administrative capability of participating institutions, the board will also consider the institution's compliance with state need grant 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, and that it meets the financial responsibility standards for participation in the federal Title IV programs.

(d) 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 an institution which the board determines is unable to properly administer the program or to provide advertised services to its students.

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

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, but 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 certification and participation in the Federal Pell Grant program and any other information upon request of the board as needed to determine the institution's eligibility. 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: 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.

AMENDATORY SECTION (Amending WSR 95-10-007, filed 4/24/95, effective 5/26/95 [5/25/95])

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 annual 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 for-profit or a postsecondary vocational institution 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 for-profit or a postsecondary vocational institution 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.

(22) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

(23) A "postsecondary vocational institution" is a public or private non-profit institution which provides training for gainful employment in a recognized profession.

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

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

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, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students attending for-profit institutions shall be established as follows:

(a) Students enrolled in a baccalaureate degree program will be awarded at levels equal to those provided students attending public comprehensive universities.

(b) All other state need grant recipients attending for-profit institutions shall receive grants 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) 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 ~~(([+]))~~ dependent care allowance. Students enrolled ~~(([H]))~~ half-time ~~((students will))~~ at the time of disbursement will receive fifty percent of their full-time base grant ~~((, at disbursement))~~ plus ~~((+))~~ dependent care allowance. Depending on the availability of funds, students may receive a need grant for summer session attendance.

(5) 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) 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) The institution will notify the student of receipt of the state need grant.

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

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

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 95-17-052
PERMANENT RULES
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Filed August 14, 1995, 9:38 a.m.]

Date of Adoption: August 9, 1995.

Purpose: To amend WAC 495D-135-020 and 495D-135-040 to reflect the new requirements of section 2, chapter 36, Laws of 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 495D-135-020 and 495D-135-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 95-14-126 on July 3, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 1995

Donald W. Fowler
President

AMENDATORY SECTION (Amending WSR 93-01-084, filed 12/15/92, effective 1/15/93)

WAC 495D-135-020 Definitions. As used in this chapter:

(1) "Misconduct" means student action or inaction which violates a college rule or policy and results in suspension or dismissal from the college.

(2) "Registration (~~cost~~) fee" means a service fee charged to defray the clerical expense of processing a registration transaction.

(3) "Special course/program connected fees" means fees other than tuition required for enrollment (e.g., equipment fees, supply fees, laboratory material fees, excess cost fees, etc.).

(4) "Termination" means the dismissal from a course, program, or the college due to student misconduct or lack of academic progress.

(5) "Transfer" means moving from one course to another within the same registration transaction.

(6) "Tuition" means fees collected by College District No. 26 which include the general tuition fees, operating fees, and the services and activities fees.

(7) "Withdraw" and "withdrawal" means when a student formally leaves college by completing the forms and procedures specified in the published class schedule or otherwise established by the college.

AMENDATORY SECTION (Amending WSR 93-19-075, filed 9/14/93, effective 10/15/93)

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:

(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session (~~(, except that a registration cost shall be retained from such fees)~~).

(2) A full refund will be made when courses or programs are cancelled by the college.

(3) ~~((An eighty percent refund will be made on or after the first class session and on or prior to the fifth class session of the term, or student's registration period of less than a term,))~~ Upon withdrawal or termination from a ((full-time or part-time preparatory occupational course)) state-supported course on or after the first day of instruction and prior to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund (~~may~~) will be calculated on a pro rata basis consistent with applicable federal rules.

(4) ~~((A fifty percent refund will be made after the fifth class session and up to the twentieth class session of the term, or student's registration period if less than a term,))~~ Upon withdrawal or termination from a ((full-time or part-time preparatory occupational course)) state-supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund (~~may~~) will be calculated on a pro rata basis consistent with applicable federal rules.

(5) Refunds for withdrawals or terminations from state-supported courses that start after the regular quarter begins, or from state-supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. Refunds will be made (~~through~~) prior to the second scheduled class meeting for ((part-time supplemental occupational)) self-supported courses, except that refunds will be made only prior to a single-session self-supported course.

(6) Refund requests must be made in person or in writing. Refund requests may not be made by telephone.

(7) Refund processing procedures shall be established by the president.

(8) Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.

(9) The college (~~shall~~) may charge a registration (~~cost~~) or transfer fee set by the president for (~~refund and~~) registration or transfer processing.

(10) Refunds of less than five dollars will not be made.

(11) Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.

(12) Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.

**WSR 95-17-062
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-102—Filed August 15, 1995, 11:50 a.m.]

Date of Adoption: August 12, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-12-010; and new section WAC 220-56-103.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 95-14-133 on July 5, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 15, 1995
Robert Turner
Director

AMENDATORY SECTION (Amending Order 89-48, filed 6/22/89)

WAC 220-12-010 Food fish—Classification. The following fishes are classified as food fish under RCW 75.08.080 and are subject to the provisions of this title:

Barracuda	
Pacific barracuda	<i>Sphyraena argentea</i>
Cyprinids	
Carp	<i>Cyprinus carpio</i>
Cods and hake	
Pacific hake or whiting	<i>Merluccius productus</i>
Walleye pollock	<i>Theragra chalcogrammus</i>
Pacific Tomcod	<i>Microgadus proximus</i>
Pacific Cod or true cod	<i>Gadus macrocephalus</i>
Flounder, sole and halibut	
Butter sole or Bellingham sole	<i>Isoopsetta isolepis</i>
C-O sole	<i>Pleuronichthys coenosus</i>
Dover sole	<i>Microstomus pacificus</i>
English sole	<i>Parophrys vetulus</i>
Flathead sole	<i>Hippoglossoides elassodon</i>
Pacific halibut	<i>Hippoglossus stenolepis</i>
Petrale sole	<i>Eopsetta jordani</i>
Rex sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Sand sole	<i>Psettichthys melanostictus</i>
Slender sole	<i>Lyopsetta exilis</i>
Speckled sand dab	<i>Citharichthys stigmaeus</i>

Starry flounder	
Turbot or Arrowtooth flounder	
All other species of sole and flounder	
Giant wrymouth	
Greenling	
Lingcod	
Rock greenling	
Kelp greenling	
All other species of greenling	
Herring and herring-like fishes	
Northern anchovy	
Pacific sand lance or candlefish	
Pacific herring	
Pacific sardine or pilchard	
American shad	
Mackerels, tunas and jacks (carangids)	
Pacific bonito	
Pacific mackerel	
Jack mackerel	
Monterey Spanish mackerel	
Spanish mackerel	
Yellowtail	
Albacore	
Bluefin tuna	
Skipjack tuna	
Yellowfin tuna	
All other species of tunas and mackerels	
Pacific pomfret	
Pacific pompano	
Plainfin midshipman	
Ratfish	
Rattails, all species	
Skates	
Longnose skate	
Big skate	
All other species of skates	
Rockfish	
Bocaccio	
Black rockfish	
Brown rockfish	
Copper rockfish	
Greenstriped rockfish	
Canary rockfish	
Pacific Ocean perch	
Yelloweye or rasphead rockfish	
Rosefish or splitnose rockfish	
Silvergray rockfish	
Quillback rockfish	
Yellowtail rockfish	
All other species of rockfish	
Sablefish	
Salmon	
Chinook or King salmon	
<u>(except in its landlocked form as defined in WAC 232-12-018)</u>	
Chum or dog salmon	
Pink or humpback	
Coho or silver	
<u>(except in its landlocked form as defined in WAC 232-12-018)</u>	
Sockeye or blue back	
Masu	
Sculpin	
Brown Irish lord	
Buffalo sculpin	
Cabezon	
Great sculpin	
Pacific Staghorn sculpin	
Red Irish lord	
Seabass and drums	
White seabass	
All other seabass and drums	

<i>Platichthys stellatus</i>
<i>Atheresthes stomias</i>
(Pleuronectiformes)
<i>Delolepsis gigantea</i>
<i>Ophiodon elongatus</i>
<i>Hexagrammos superciliosus</i>
<i>Hexagrammos decagrammus</i>
(Hexagrammidae)
<i>Engraulis mordax</i>
<i>Ammodytes hexapterus</i>
<i>Clupea harengus pallasi</i>
<i>Sardinops sagax</i>
<i>Alosa sapidissima</i>
<i>Sarda chiliensis</i>
<i>Scomber japonicus</i>
<i>Trachurus symmetricus</i>
<i>Scomberomorus concolor</i>
<i>Scomberomorus maculatus</i>
<i>Seriola dorsalis</i>
<i>Thunnus alalunga</i>
<i>Thunnus thynnus</i>
<i>Euthynnus pelamis</i>
<i>Thunnus albacares</i>
(Scombridae)
<i>Brama japonica</i>
<i>Peprilus simillimus</i>
<i>Parichthys notatus</i>
<i>Hydrolagus collieri</i>
(Coryphaenoididae)
<i>Raja rhina</i>
<i>Raja binoculata</i>
(Rajidae)
<i>Sebastes paucispinis</i>
<i>Sebastes melanops</i>
<i>Sebastes auriculatus</i>
<i>Sebastes caurinus</i>
<i>Sebastes elongatus</i>
<i>Sebastes pinniger</i>
<i>Sebastes alutus</i>
<i>Sebastes ruberrimus</i>
<i>Sebastes diploproa</i>
<i>Sebastes brevispinis</i>
<i>Sebastes maliger</i>
<i>Sebastes flavidus</i>
(Scorpaenidae)
<i>Anoplopoma fimbria</i>
<i>Oncorhynchus tshawytscha</i>
<i>Oncorhynchus keta</i>
<i>Oncorhynchus gorbuscha</i>
<i>Oncorhynchus kisutch</i>
<i>Oncorhynchus nerka</i>
<i>Oncorhynchus masu</i>
<i>Hemilepidotus spinosus</i>
<i>Enophris bison</i>
<i>Scorpaenichthys marmoratus</i>
<i>Myoxocephalus polyacanthocephalus</i>
<i>Leptocottus armatus</i>
<i>Hemilepidotus hemilepidotus</i>
<i>Cynoscion nobilis</i>
(Sciaenidae and Serranidae)

PERMANENT

Sharks

- Sixgill shark
- Souppin shark
- Dogfish or spiny dogfish
- All other species of sharks

- Hexanchus griseus*
- Galeorhinus zyopterus*
- Squalus acanthias*
- (Squaliformes and Hexanchiformes)

Smelts

- Eulachon or Columbia River smelt
- Longfin smelt
- Surf smelt
- All other species of smelt

- Thaleichthys pacificus*
- Spirinchus dilatatus*
- Hypomesus pretiosus*
- (Osmeridae)

Sturgeons

- Green sturgeon
- White sturgeon

- Acipenser medirostris*
- Acipenser transmontanus*

Surfperches

- Blue perch or striped seaperch
- Kelp perch
- Redtail surfperch
- Shiner perch
- Pile perch
- Walleye surfperch
- White seaperch
- All other species of perch
- Wolf-eel

- Embiotoca lateralis*
- Brachyistius frenatus*
- Amphistichus rhodoterus*
- Cymatogaster aggregata*
- Rhacochilus vacca*
- Hyperprosopon argenteum*
- Phanerodon furcatus*
- (Embiotocidae)
- Anarrhichthys ocellatus*

Hagfishes

- Pacific hagfish
- Black hagfish

- Eptatretus stouti*
- Eptatretus deani*

NEW SECTION

WAC 220-56-103 Definitions—Landlocked chinook and coho. Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as game fish rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit (except Lake Chelan).

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) Merwin (lake) Reservoir (Clark/Cowlitz County).
- (7) Riffe (lake) Reservoir (Lewis County).
- (8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (9) Wilderness Lake (King County).
- (10) Wynoochee Reservoir (Grays Harbor County).
- (11) Chelan, Lake (Chelan County).
- (12) Roosevelt, Lake (Columbia River) (Stevens County).

**WSR 95-17-063
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Order 95-103—Filed August 15, 1995, 11:53 a.m.]

Date of Adoption: August 12, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-018, 232-12-019, and 232-12-619.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-134 on July 5, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 15, 1995

Mitch Johnson

Fish and Wildlife Commission Chair
through Robert Turner
Director

PERMANENT

NEW SECTION

WAC 232-12-018 Definitions—Landlocked chinook and coho. Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as game fish rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit (except Lake Chelan).

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) Merwin (lake) Reservoir (Clark/Cowlitz County).
- (7) Riffe (lake) Reservoir (Lewis County).
- (8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (9) Wilderness Lake (King County).
- (10) Wynoochee Reservoir (Grays Harbor County).
- (11) Chelan, Lake (Chelan County).
- (12) Roosevelt, Lake (Columbia River) (Stevens County).

AMENDATORY SECTION (Amending WSR 93-10-012, filed 4/23/93, effective 4/30/93)

WAC 232-12-019 Classification of game fish. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout

Catostomus columbianus
Catostomus macrocheilus
Catostomus catostomus
Catostomus platyrhynchus
Ctenopharyngodon idella
Esox lucius
 and hybrids involving
 genus *Esox*

Meilochelichthys caurinus
Oncorhynchus tshawytscha
 (in its landlocked form as
 defined in WAC 232-12-018)

Oncorhynchus kisutch
 (in its landlocked form as
 defined in WAC 232-12-018)

Pylodictus olivaris
Ptychocheilus oregonensis

Bridgelip Sucker
 Largescale Sucker
 Longnose Sucker
 Mountain Sucker
 Grass Carp
 Northern Pike
 Tiger Muskellunge

Peamouth Chub
Chinook salmon

Coho salmon

Flathead Catfish
 Northern Squawfish

Northern squawfish lawfully taken may be offered for sale, sold, purchased or traded.

AMENDATORY SECTION (Amending Order 95-11, filed 2/1/95, effective 5/1/95)

WAC 232-12-619 Permanent Washington state-wide game fish regulations. The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) Annual limit - steelhead trout only: Each adult angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length per year (May 1 to April 30).

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under Exceptions - Regional Regulations.
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RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under Exceptions - Regional Regulations.
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Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP....	It is unlawful to fish for or retain grass carp.	
TROUT	A combined total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds (except Eastern Brook Trout).	None in Lakes, Ponds, and Reservoirs.

PERMANENT

No more than two of the combined trout daily catch limit of 5 may be Steelhead. Wild Steelhead Release June 1-November 30.

Eight inches in Rivers, Streams, and Beaver Ponds.

EASTERN BROOK TROUT
(Salvelinus fontinalis)

Five - to be considered part of the combined trout daily catch limit.

None

(a) The following game fish species are managed as trout for purposes of the daily limit:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) The daily limit for trout caught in either lakes or streams is a combined total and must not exceed five.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE

Five, not more than one over twenty-four inches

Eighteen inches

Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

WHITEFISH

Fifteen

None

ALL OTHER GAME FISH

No Limit

None

BULLFROGS

Ten

None

(14) Possession limit. Except as otherwise provided, the possession limit is two daily limits.

(15) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

- Abernathy Creek
 - Bear River
 - Bone River
 - Chehalis River
 - Cowlitz River
- Highway 4 Bridge.
Highway 101 Bridge.
Highway 101 Bridge.
U.P. Railway Bridge in Aberdeen.
A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad

Dakota Creek

**Drano Lake
Duwamish River**

**Elk River
Entiat River
Hoquiam River
Humptulips River
Johns River
Kalama River**

Kennedy Creek

**Lake Washington
Ship Canal**

Lewis River

**Little White
Salmon River**

**Methow River
Naselle River
North Nemah River**

**Niawiakum River
North River
Palix River
Puyallup River
Samish River**

**Sammamish River
Skagit River**

bridge crossing the Cowlitz River.

A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge. Highway 14 Bridge. First Avenue South Bridge.

Highway 105 Bridge. Highway 97 Bridge. Highway 101 Bridge. Mouth of Jessie Slough.

Highway 105 Bridge. Boundary markers located at the mouth. An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge. A line 400 feet west of the fish ladder at the Chittenden Locks. Boundary markers at the mouth.

At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.

Highway 97 Bridge. Highway 101 Bridge. Highway 101 Bridge.

Highway 101 Bridge. Highway 105 Bridge. Highway 101 Bridge. 11th Street Bridge. Samish Island Bridge (Bayview-Edison Road).

68th Ave. N.E. Bridge. A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly

PERMANENT

PERMANENT

	side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.	Humptulips River	September 1-November 30
Skamokaw Creek	Highway 4 Bridge.	Satsop River	September 1-November 30
Skookum Creek	A line 400 yards below the old railroad bridge.	North Nemah River	September 1-November 30
Snohomish River	Burlington Northern Railway Bridges crossing main river and sloughs.	Dungeness and Gray Wolf Rivers	August 1-October 15
South Nemah River	Lynn Point 117 degrees true to the opposite shore.	Kennedy Creek	October 1-December 31
Tucannon Creek	State Highway 261 Bridge.	South Fork Nooksack River	August 1-December 31
Wallace River	The furthest downstream railroad bridge.	Big Quilcene River	August 1-December 31
Washougal River	A straight line projected from the James River pumphouse southeasterly across the Washougal River to the east end of Highway 14 Bridge at the upper end of Lady Island.	Samish River	August 1-December 31
Whatcom Creek	A line projected approximately 14 degrees true from the flashing light to the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.	Stillaquamish River	August 1-December 31
White Salmon River	Markers downstream of the Burlington Northern Railroad Bridge.	Whatcom Creek	August 1-December 31
Wind River	Boundary line/markers at mouth.	Cowlitz River	
Willapa River	South Bend boat launch.	From Mill Creek to Barrier Dam	April 1-October 31
Yakima River	Highway 240 Bridge.	Kalama River	
		From 200 feet above Modrow Trap to mouth	September 1-October 31
		North Lewis River	
		From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1-October 31
		Washougal River	
		Downstream of Salmon Falls Bridge	September 1-October 31
		Icicle River	
		From Leavenworth Federal Fish Hatchery to mouth	May 8-June 30
		Wenatchee River	
		From mouth of Icicle River to Highway 2 Bridge	May 8-June 15
		Skagit River (and tributaries)	
		Upstream of Gilligan Creek	July 1-November 30
		Tokol Creek	
		From mouth to posted cable markers	December 1-March 31

(16) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:

Area	Time period
Naselle River	September 1-November 30
Willapa River	September 1-November 30

(17) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

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

WSR 95-17-064
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Order 95-104—Filed August 15, 1995, 11:55 a.m., effective August 15, 1995]

Date of Adoption: August 12, 1995.

Purpose: To repeal outdated rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61940, 232-28-61941, 232-28-61942, 232-28-61945, 232-28-61946, 232-28-61947, 232-28-61950, 232-28-61951, 232-28-61953, 232-28-61954, and 232-28-61957.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-134 on July 5, 1995.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 11.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An effective date of August 15, 1995, which is earlier than the thirty-one days after filing is necessary because time requirements would be contrary to the public interest. The majority of these rules will expire August 14 under emergency action. Permanent adoption of this repealer effective August 15, 1995, will eliminate any confusion due to duplicate and expired rules.

Effective Date of Rule: August 15, 1995.

August 15, 1995
Robert Turner
Director

Signature by permission of
Mitch Johnson, Washington Fish and
Wildlife Commission Chair

- WAC 232-28-61951 1994-95 Washington game fish seasons and catch limits—Hampton (Upper and Lower) lakes, Hen, Dabblers and Marie lakes; Katey Lake; Homestead and Magpie lakes and creeks, Lower Caliche Lake, and Caliche Lake West, Wannacut Lake and Ellen Lake.
- WAC 232-28-61953 1994-95 Washington game fish seasons and catch limits—Big Twin Lake (Okanogan Co.).
- WAC 232-28-61954 1994-95 Washington game fish seasons and catch limits—Sauk River, Suiattle River, Cascade River, Grays River, Skamokawa Creek, Elochoman River, Coweeman River, Toutle River (North Fork), Green River (Cowlitz County), Cowlitz River, Kalama River, Lewis River (North Fork), Salmon Creek (Clark County), Washougal River, Skokomish River, Quilcene River, Dungeness River, and Gray Wolf River.
- WAC 232-28-61957 1994-95 Washington game fish seasons and catch limits—Horsethief Lake (Klickitat Co.).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-61940 1992-94 and 1994-95 Washington game fish seasons and catch limits—Columbia River.
- WAC 232-28-61941 1994-95 Washington game fish seasons and catch limits—Lake Roosevelt.
- WAC 232-28-61942 1992-94 and 1994-95 Washington game fish seasons and catch limits—Lakes Washington and Sammamish.
- WAC 232-28-61945 1994-95 Washington game fish seasons and catch limits—Columbia River.
- WAC 232-28-61946 1994-95 Washington game fish seasons and catch limits—Grande Ronde River (Region 1), Tucannon River (Region 1), and Sauk River (Region 4).
- WAC 232-28-61947 1994-95 Washington game fish seasons and catch limits—Baker Lake and Shannon Lake (Region 4).
- WAC 232-28-61950 1994-1995 Washington game fish seasons and catch limits—

WSR 95-17-065
PERMANENT RULES
GAMBLING COMMISSION
[Filed August 15, 1995, 3:12 p.m.]

Date of Adoption: August 11, 1995.
Purpose: To broaden the bases to deny, suspend or revoke licenses.
Citation of Existing Rules Affected by this Order: Amending WAC 230-04-400.
Statutory Authority for Adoption: RCW 9.46.070.
Adopted under notice filed as WSR 95-12-050 on June 2, 1995.
Changes Other than Editing from Proposed to Adopted Version: Added the element "knowingly" to subsection (10).
Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.
Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.
Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 14, 1995

Michael Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 93-12-082, filed 5/28/93, effective 7/1/93)

WAC 230-04-400 Denial, suspension or revocation of licenses. The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission

without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) If a supplier, manufacturer, financier, or management company knowingly provides or provided goods or services to an entity that is illegally operating gambling activities or was illegally operating gambling activities at the time such goods or services were provided; and

(11) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

WSR 95-17-068
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed August 16, 1995, 11:29 a.m.]

Date of Adoption: August 16, 1995.

Purpose: To update Washington law to make it current with national rules regarding the registration of securities in the areas of real estate investment trusts, options and warrants, below investment grade investments by investment companies, master/feeder funds, telephone transactions in investment company shares, and promotional shares.

Citation of Existing Rules Affected by this Order: Repealing WAC 460-16A-101 through 460-16A-109; and amending WAC 460-16A-205 and 460-46A-050.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 95-14-053 on June 28, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 8.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 8.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1995
John L. Bley
Director

AMENDATORY SECTION (Amending WSR 91-04-011, filed 1/25/91, effective 2/25/91)

WAC 460-46A-050 Promotional shares. The promotional shares rules set forth in WAC ((~~460-16A-101, 460-16A-102, 460-16A-104 through 460-16A-106, 460-16A-109, and~~) 460-16A-110 and adopted in WAC 460-16A-205 (1)(p)) shall apply except that promotional shares need be escrowed pursuant to WAC 460-16A-104 only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering.

AMENDATORY SECTION (Amending WSR 93-01-075, filed 12/14/92, effective 1/14/93)

WAC 460-16A-205 Adoption of NASAA statements of policy. (1) In order to promote uniform regulation, the administrator adopts the following North American Securities Administrators Association (NASAA) statements of policy for offerings registering pursuant to RCW 21.20.180 or 21.20.210:

- (a) Registration of publicly offered cattle feeding programs, as adopted September 17, 1980;
- (b) Registration of commodity pool programs, as adopted with amendments through August 30, 1990;
- (c) Equipment programs, as adopted with amendments through March 29, 1992;
- (d) Registration of oil and gas programs, as adopted with amendments through March 29, 1992;
- (e) Real estate investment trusts, as adopted with amendments through ((~~October 24, 1991~~) September 29, 1993);
- (f) Real estate programs, as adopted with amendments through March 29, 1992;
- (g) Loans and other material affiliated transactions, as adopted ((~~October 24, 1991~~) with amendments through April 25, 1993);
- (h) Options and warrants, as adopted ((~~October 24, 1991~~) with amendments through April 25, 1993);
- (i) Registration of direct participation programs - omnibus guidelines, as adopted March 29, 1992;
- (j) Registration of periodic payment plans, as adopted March 29, 1992;
- (k) Church bonds, as adopted April 29, 1981; ((~~and~~))
- (l) Health care facility offerings, pertaining to the offering of nonprofit health care facility bonds, as adopted April 5, 1985;
- (m) Investment companies investing in debt securities rated below investment grade, as adopted April 17, 1994;
- (n) Registration of master fund/feeder funds, as adopted September 15, 1992;
- (o) Telephone transactions, as adopted September 29, 1993; and
- (p) Promotional shares, as adopted September 3, 1987, except that the term promotional shares shall be limited to those equity securities which were issued within the last three years and that all promotional shares in excess of twenty-five percent of the shares to be outstanding upon completion of the offering may be required to be deposited

in escrow absent adequate justification that escrow of such shares is not in the public interest and not necessary for the protection of investors.

(2) An offering registering pursuant to RCW 21.20.180 or 21.20.210 that falls within one or more of the statements of policy listed in subsection (1) of this section must comply with the requirements of said statement of policy or policies.

(3) The statements of policy referred to in subsection (1) of this section are found in *CCH NASAA Reports* published by Commerce Clearing House. Copies are also available at the office of the securities administrator.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-16A-101	Application to promotional shares.
WAC 460-16A-102	Definitions applicable to promotional shares.
WAC 460-16A-103	Amount of promotional shares.
WAC 460-16A-104	Escrow of promotional shares.
WAC 460-16A-105	Release provisions.
WAC 460-16A-106	Terms of escrow.
WAC 460-16A-108	Inapplicability of restrictions on amounts of promotional shares.
WAC 460-16A-109	Hi-tech exemption from promotional shares rules.

WSR 95-17-070
PERMANENT RULES
CODE REVISER'S OFFICE
[Filed August 17, 1995, 11:15 a.m.]

Date of Adoption: August 17, 1995.

Purpose: To amend chapter 1-21 WAC to reflect new requirements imposed by sections 301, 302, 701, and 704, chapter 403, Laws of 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 1-21-010, 1-21-020, 1-21-040, [1-21-050], and 1-21-170.

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.

Other Authority: RCW 34.05.310, 34.05.320 and sections 701 and 704, chapter 403, Laws of 1995.

Adopted under notice filed as WSR 95-14-044 on June 27, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 1-21-010, in the last paragraph the words "filed by June 30th" were changed to "filed June 10th through June 30th." This change was made to put all the expedited repeal notices into one filing window for a single annual Register publication. WAC 1-21-040, in the last paragraph the words ",excluding federal rules that are not published in the State Register" were added for clarity. WAC 1-21-170, added a new subsection (2), referring to Form CR-101X Preproposal Statement of Inquiry (for expedited repeal only). The rest of the paragraph numbers were changed accordingly. WAC 1-21-180, changed two typographical errors in the last full line of the section.

References to subsections (1)(f) and (g) were changed to (1)(g) and (h).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 5, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 17, 1995
Dennis W. Cooper
Code Reviser

AMENDATORY SECTION (Amending WSR 94-12-075, filed 5/31/94, effective 6/9/94)

WAC 1-21-010 Preproposal statement of ~~((intent))~~ inquiry. To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of ~~((intent))~~ Inquiry). This requirement does not apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

WAC sections proposed for expedited repeal under RCW 34.05.--- (1995 c 403 s 701) should be listed by citation and caption only, either individually or by entire chapter, and filed between June 10th and June 30th of each year.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

WAC 1-21-020 Notice—Form, contents, numbers.

(1) An agency shall file notice of proposed rule making under RCW 34.05.320 with the code reviser's office on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020). This filing must be at least thirty days after the CR-101 form, if required, was published (RCW 34.05.310).

(2) The agency shall file the original and six copies of the notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules

review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

AMENDATORY SECTION (Amending WSR 91-22-006, filed 10/24/91, effective 1/1/92)

WAC 1-21-040 ~~((Notice))~~ Register material—Time for filing. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the Register must be in the physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the code reviser's Order Typing Service (OTS), by 12:00 noon on the fourteenth day before the distribution date of that issue of the Register; or

(2) If the material has been prepared by any means other than OTS and it contains:

(a) No more than 10 pages, by 12:00 noon on the fourteenth day before the distribution date of that Register; or

(b) More than 10 but less than 30 pages, by 12:00 noon on the twenty-eighth day before the distribution date of that Register; or

(c) 30 or more pages, by 12:00 noon on the forty-second day before the distribution date of that Register.

The code reviser's filing forms are not included in this page count, but all other material submitted for filing is counted for purposes of this section, excluding federal rules that are not published in the State Register.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

WAC 1-21-050 Continuance. (1) Under RCW 34.05.325(~~((4))~~) (5), an agency may continue a proceeding that has already started by establishing the later time and place on the record. No publication is required in the Register, but before filing the administrative order adopting the rule, the agency shall give notice of the continuance to the code reviser's office on a CR-102 form. If no substantial change is made in the proposal, the continuance is not subject to the 20-day publication requirement of RCW 34.05.320. Note that RCW 34.05.335(4) prohibits an agency from adopting a rule before the time established in the published notice.

(2) An agency may change the date or the location, or both, of a rule-making proceeding before the proceeding has begun if the agency gives adequate notice to the public through the same methods that were used for the original notice. Adequate notice for purposes of the State Register consists of filing the continuance notice on a CR-102 form with the code reviser in time for it to appear in a Register that will be distributed at least five days before the originally scheduled proceeding.

AMENDATORY SECTION (Amending WSR 94-12-075, filed 5/31/94, effective 6/9/94)

WAC 1-21-170 Official forms. Agencies may obtain the following official forms from the code reviser's office upon request:

(1) Form CR-101 Preproposal Statement of (~~(Intent)~~)

Inquiry

(2) Form CR-101X Preproposal Statement of Inquiry (for expedited repeal only)

(3) Form CR-102 Proposed Rule Making

~~((3))~~ (4) Form CR-103 Rule-making Order

~~((4))~~ (5) Form CR-104 Review of Previously Adopted Rules.

NEW SECTION

WAC 1-21-180 Rule-making activity report. To implement RCW 1.08.--- (1995 c 403 s 704), agencies shall supply the information required by RCW 1.08.--- (1)(a) through (f) and (i) (1995 c 403 s 704 (1)(a) through (f) and (i)) by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW 1.08.--- (1)(g) and (h) (1995 c 403 s 704 (1)(g) and (h)) by a memorandum on agency letterhead to the code reviser.

WSR 95-17-072

PERMANENT RULES PIERCE COLLEGE

[Filed August 17, 1995, 2:04 p.m.]

Date of Adoption: July 12, 1995.

Purpose: Establish rule that Pierce College board of trustees shall periodically establish tuition and fee waivers as authorized by state law under regular fiscal processes.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Adopted under notice filed as WSR 95-12-102 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1995

Dr. George A. Delaney
President

NEW SECTION

WAC 132K-130-010 Tuition and fee waivers. (a) Pierce College may periodically establish tuition and fee waivers as authorized by State law and by the State Board for Community and Technical Colleges. This will be done in accordance with Chapter 131-28 WAC and under regular college fiscal processes;

(b) Upon an applicant's request, individual determination on tuition and fee waivers will be reviewed by the college registrar in a brief adjudicative proceeding under RCW 34.05.482 - 34.05.494.

WSR 95-17-073

PERMANENT RULES PIERCE COLLEGE

[Filed August 17, 1995, 2:15 p.m.]

Date of Adoption: July 12, 1995.

Purpose: Repeal of rule to change to internal policy.

Citation of Existing Rules Affected by this Order: Repealing chapter 132K-120 WAC, Student publications code of the associated students of Pierce College.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 95-12-103 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 16, 1995

Dr. George A. Delaney
President

WSR 95-17-078

PERMANENT RULES DEPARTMENT OF LICENSING

[Filed August 21, 1995, 9:17 a.m.]

Date of Adoption: August 18, 1995.

Purpose: Change associated rules to reflect 2,000 experience hours for licensure and certification as a real estate appraiser.

Citation of Existing Rules Affected by this Order: Amending WAC 308-125-010(16), 308-125-020(2), 308-125-030(3), and 308-125-070(1).

PERMANENT

Statutory Authority for Adoption: RCW 18.140.030(1), 18.140.090.

Pursuant to notice filed as WSR 95-12-088 on June 7, 1995.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1995

Kathy Baros Friedt

Director

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

WAC 308-125-010 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal. Except all appraisal reports in federally related transactions are required to be written reports.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(7) "Department" means the department of licensing.

(8) "Director" means the director of the department of licensing.

(9) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(10) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(11) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(12) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(13) "State-licensed real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid license issued to him/her for residential real estate under this chapter. A state-licensed real estate appraiser may designate or identify an appraisal rendered by him/her as a "licensed appraisal."

(14) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(15) "Classroom hour" means fifty minutes out of each sixty minute hour.

(16) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand ((five hundred)) hours in real estate appraisal.

(17) "Licensed or residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(18) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

WAC 308-125-020 Application process to take examination. (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the

department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) An applicant must, as of the date his/her application is filed with the department, possess the requisite two years (twenty-four months) and ~~((three))~~ two thousand hours of verifiable real estate appraisal experience.

(3) An application and the nonrefundable application fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

(4) Dishonored checks will be considered as an incomplete application.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

WAC 308-125-030 Examination prerequisite general classification. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred sixty-five classroom hours of course work.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, a minimum of two years (twenty-four months) is required.

(3) To fulfill the experience requirement, a candidate must have at least ~~((fifteen hundred))~~ one thousand hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state-certified general real estate appraiser must include coverage of all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

(a) Influences on real estate value.

- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (i) Estimation of income and expenses.
- (ii) Operation statement ratios.
- (iii) Direct capitalization.
- (iv) Cash flow estimates.
- (v) Measures of cash flow.
- (vi) Discounted cash flow analysis.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

WAC 308-125-070 Experience requirements. (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than ~~((fifteen hundred))~~ one thousand hours may be credited in any twelve-month period.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice.

(3) Any work product claimed for experience credit dated prior to January 1, 1990, shall conform to the following standards:

- (a) Reports shall be in writing.
- (b) Reports shall contain the legal address of the subject property.
- (c) Reports shall state the effective date of the appraisal.
- (d) Reports shall contain a definition of value to be estimated.
- (e) Reports shall contain a certification signed by the appraiser.
- (f) Reports shall contain a description of the site, land, or buildings as applicable.
- (g) Reports shall address all three approaches to value by either utilization of the approach or indication that the approach is not applicable or inappropriate to the specific property.
- (h) Reports shall include adjustments and the value of the direct sales for the direct sales approach, which either sets forth the reasoning for value or states that the value is evident in ancillary supporting documentation or the report.
- (i) Reports shall include analysis of market rents, expenses, vacancy rates, and capitalization rates when the income approach is used.
- (j) Reports shall include analysis of building costs and site value when the cost approach is used.

(k) Reports shall include reasoning and supporting documentation for the final value estimate.

(l) Reports shall be signed and dated by the appraiser.

(4) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(5) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/study, teacher of appraisal courses.

(6) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(7) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

PERMANENT

WSR 95-17-083
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
 [Filed August 21, 1995, 1:24 p.m.]

Date of Adoption: August 15, 1995.

Purpose: To amend regulations so as to bring the Southwest Air Pollution Control Authority's regulations consistent with those currently contained in the Washington Administrative Code.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 460.

Statutory Authority for Adoption: Chapter 70.94 RCW, RCW 70.94.141.

Pursuant to notice filed as WSR 95-01-057 on December 14, 1994.

Effective Date of Rule: Thirty-one days after filing.
 August 17, 1995
 Robert D. Elliott
 Executive Director

SWAPCA 460

Controls for New Sources of Toxic Air Pollutants

AMENDATORY SECTION

SWAPCA 460 Controls for New Sources of Toxic Air Pollutants

Section 173-460 of the Washington Administrative Code (effective 2/14/94) is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.

WSR 95-17-084
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
 [Filed August 21, 1995, 1:27 p.m.]

Date of Adoption: August 15, 1995.

Purpose: Clarify wording of existing regulation.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 400.

Statutory Authority for Adoption: Chapter 70.94 RCW, RCW 70.94.151.

Pursuant to notice filed as WSR 95-01-058 on December 14, 1994.

Changes Other than Editing from Proposed to Adopted Version: Change definition of "volatile organic compound" to correspond to federal definition; and delete SWAPCA 400-111 "Orders of Authorization" and references thereto.

Effective Date of Rule: Thirty-one days after filing.
 August 17, 1995
 Robert D. Elliott
 Executive Director

Reviser's note: The material contained in this filing will appear in the 95-19 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 95-17-088
PERMANENT RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed August 21, 1995, 4:45 p.m.]

Date of Adoption: August 14, 1995.

Purpose: Update of the Energy Facility Site Evaluation Council's air rules to be consistent with the requirements of the 1990 Federal Clean Air Act amendment, Washington's Clean Air Act, and ecology rules.

Citation of Existing Rules Affected by this Order: Amending chapter 463-39 WAC.

Statutory Authority for Adoption: RCW 80.50.040(1). Pursuant to notice filed as WSR 95-13-039 on June 14, 1995.

Effective Date of Rule: Thirty-one days after filing.
 August 12, 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~~
 - WAC 173-400-091: 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.

PERMANENT

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

WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

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 operating permit 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.

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(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 95-17-098

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 22, 1995, 4:33 p.m.]

Date of Adoption: August 22, 1995.

Purpose: Establish a rough bluegrass (*Poa trivialis*) quarantine in the state of Washington under chapter 16-493 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Other Authority: Chapter 17.24 RCW.

Adopted under notice filed as WSR 95-15-097 on July 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 11, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 11, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 22, 1995

Jim Jesernig

Director

**Chapter 16-493 WAC
ROUGH BLUEGRASS QUARANTINE**

NEW SECTION

WAC 16-493-001 Rough bluegrass quarantine—Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to Kentucky bluegrass grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major Kentucky bluegrass grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure Kentucky bluegrass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If Kentucky bluegrass seed becomes contaminated with rough bluegrass grass seed there would be a significant economic loss to Kentucky bluegrass growers in the state.

NEW SECTION

WAC 16-493-005 Rough bluegrass quarantine—Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his/her duly authorized representative.

(4) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(5) "Nursery" means an area of two acres or less in which Kentucky bluegrass for seed production is seeded in rows with twenty-four-inch minimum spacings to facilitate roging.

(6) "Seed stock" means those seeds of Kentucky bluegrass which are to be planted for seed increase or with intent of seed increase, except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Meadow Fescue, Tall Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director, as found in WAC 16-304-020 and 16-304-040.

(9) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a 25 gram sample.

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NEW SECTION

WAC 16-493-010 Rough bluegrass quarantine—Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation: *Provided*, That said trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Benton, Klickitat, or Yakima counties.

NEW SECTION

WAC 16-493-015 Rough bluegrass quarantine—Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

NEW SECTION

WAC 16-493-020 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of Kentucky bluegrass.
- (2) Seed production fields of rough bluegrass.

(3) This quarantine shall not apply to seed sown for forage or turf.

NEW SECTION

WAC 16-493-025 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock shall be shipped, transported, moved in, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum 25 gram analysis: *Provided*, That seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

NEW SECTION

WAC 16-493-030 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock in or into the rough bluegrass quarantine regulated area shall:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Have a representative sample submitted for testing.

NEW SECTION

WAC 16-493-035 Rough bluegrass quarantine—Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass shall be placed under "stop

sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

NEW SECTION

WAC 16-493-040 Rough bluegrass quarantine—Application for nursery inspection. A person shall make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

NEW SECTION

WAC 16-493-045 Rough bluegrass quarantine—Fees. (1) Fees for sampling and analysis for the presence of rough bluegrass shall be that fee established by the director in WAC 16-304-039 through 16-304-050.

(2) Inspection fee for nursery plantings shall be fifty dollars per acre or portion thereof.

NEW SECTION

WAC 16-493-050 Rough bluegrass quarantine—Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine shall meet with a representative of the department to discuss the allegation and determine:

- (a) How it did occur;
- (b) How much acreage is involved and location of all plantings;
- (c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage shall be inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

WSR 95-17-099
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed August 23, 1995, 9:18 a.m.]

Date of Adoption: August 23, 1995.

Purpose: The purposes of the amendment of these rules are to implement recent legislation and to clarify existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 458-14-005, 458-14-015, 458-14-056, 458-14-066, 458-14-116, 458-14-127, 458-14-146, 458-14-160, 458-14-170, and 458-14-171.

Statutory Authority for Adoption: RCW 84.48.200, 84.08.010, and [84.08.]070.

Adopted under notice filed as WSR 95-12-086 and 95-12-087 on June 7, 1995.

Changes Other than Editing from Proposed to Adopted Version: The definition contained in WAC 458-14-005(2) regarding an "arm's length transaction" has been expanded and at the same time made more specific. The proposed definition was too brief and did not cover all the circumstances intended, as noted in several comments received. The wording in WAC 458-14-066(5) was made more accurate by referring to "failure of the other party to comply with the requirements of this section," instead of referring merely to the introduction of new evidence. The wording was also structured somewhat more clearly. These changes were in response to comments received. In WAC 458-14-127(1), the word "tax" was added to clarify what year is referred to relative to timely requests for reconvening. This change was suggested in a comment received.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 10, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 10, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1995
 Russell W. Brubaker
 Assistant Director

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-005 Definitions. The following definitions shall apply to chapter 458-14 WAC:

(1) "Alternate member" means a board member appointed by the county legislative authority to serve in the temporary absence of a regular board member.

(2) "Arm's length transaction" means a transaction between parties under no duress, not motivated by special

purposes, and unaffected by personal or economic relationships between themselves, both seeking to maximize their positions from the transaction.

~~(3)~~ (3) "Assessed value" means the value of real or personal property determined by an assessor.

~~((3))~~ (4) "Assessment roll" means the record which contains the assessed values of property in the county.

~~((4))~~ (5) "Assessment year" means the calendar year when the property is listed and valued by the assessor and precedes the calendar year when the tax is due and payable.

~~((5))~~ (6) "Assessor" means a county assessor or any person authorized to act on behalf of the assessor.

~~((6))~~ (7) "Board" means a county board of equalization.

~~((7))~~ (8) "County financial authority" means the county treasurer or any other person responsible for billing and collecting property taxes.

~~((8))~~ (9) "County legislative authority" means the board of county commissioners or the county legislative body as established under a home rule charter.

~~((9))~~ (10) "Department" means the department of revenue.

~~((10))~~ (11) "Documentary evidence" means comparable sales data, cost data, income data, or any other item of evidence, including maps or photographs, which supports value.

~~((11))~~ (12) "Equalize" means ensuring that comparable properties are comparably valued and refers to the process by which the county board of equalization reviews the valuation of real and personal property on the assessment roll as returned by the assessor, so that each tract or lot of real property and each article or class of personal property is entered on the assessment roll at one hundred percent of its true and fair value.

~~((12))~~ (13) "Interim member" means a board member appointed by the county legislative authority to fill a vacancy caused by the resignation or permanent incapacity of a regular board member. Such interim member shall serve for the balance of the regular board member's term.

~~((13))~~ (14) "Manifest error" means an error in listing or assessment, which does not involve a revaluation of property, including the following:

- (a) An error in the legal description;
- (b) A clerical or posting error;
- (c) Double assessments;
- (d) Misapplication of statistical data;
- (e) Incorrect characteristic data;
- (f) Incorrect placement of improvements;
- (g) Erroneous measurements;
- (h) The assessment of property exempted by law from taxation;

(i) The failure to deduct the exemption allowed by law to the head of a family; or

(j) Any other error which can be corrected by reference to the records and valuation methods applied to similarly situated properties, without exercising appraisal judgment.

~~((14))~~ (15) "Market value" means the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied. True and fair value is the same as market value or fair market value.

~~((15))~~ (16) "May" as used in this chapter is expressly intended to be permissive.

~~((16))~~ (17) "Member" means a regular member of a board.

~~((17))~~ (18) "Reconvene" refers to the board's limited power to meet to equalize assessments in the current assessment year after the board's regularly convened session is adjourned, or to meet to hear matters concerning prior years.

~~((18))~~ (19) "Regularly convened session" means the statutorily mandated twenty-eight day period commencing annually on July 15, or the first business day following July 15 if it should fall on a Saturday, Sunday, or holiday.

~~((19))~~ (20) "Revaluation" means a change in value of property based upon an exercise of appraisal judgment.

~~((20))~~ (21) "Shall" as used in this chapter is expressly intended to be mandatory.

~~((21))~~ (22) "Taxpayer" means the person or entity whose name and address appears on the assessment rolls, or their duly authorized agent, personal representative, or guardian. "Taxpayer" also includes the person or entity whose name and address should appear on the assessment rolls as the owner of the property, but because of mistake, delay, or inadvertence does not so appear; for example, in an instance when the rolls have not yet been updated after a transfer of property. A property owner may contract with a lessee for the purpose of making the lessee responsible for the payment of the property tax and such lessee may be deemed to be a taxpayer solely for the purpose of pursuing property tax appeals in his or her own name. If such contract is made, the lessee shall be responsible for providing the county assessor with a proper and current mailing address.

~~((22))~~ (23) "Tax year" means the calendar year when property taxes are due and payable.

AMENDATORY SECTION (Amending WSR 93-08-050, filed 4/2/93, effective 5/3/93)

WAC 458-14-015 Jurisdiction of county boards of equalization. (1) Boards have jurisdiction to hear all appeals as may be authorized by statute, including the following types of appeals:

(a) Appeals of exemption denials arising under RCW 35.21.755 (public corporations).

(b) Appeals for a change in appraised value when the department establishes taxable rent under RCW 82.29A.020 (2)(b) (leasehold excise tax) based on an appraisal done by the county assessor at the request of the department.

(c) Appeals of decisions or disputes pursuant to RCW 84.26.130 (historic property).

~~((e))~~ (d) Forest land determinations pursuant to RCW 84.33.116, 84.33.118, 84.33.120, 84.33.130, and 84.33.140, including an appeal of an assessor's refusal to classify land as forest land under RCW 84.33.120.

~~((d))~~ (e) Current use determinations pursuant to RCW 84.34.108 and ~~((, effective January 1, 1993, RCW))~~ 84.34.035.

~~((e))~~ (f) Appeals pursuant to RCW 84.36.385 (senior citizen exemption denials).

~~((f))~~ (g) Appeals pursuant to RCW 84.36.812 (cessation of exempt use).

~~((g))~~ (h) Determinations pursuant to RCW 84.38.040 (property tax deferrals).

~~((h))~~ (i) Determinations pursuant to RCW 84.40.085 (omitted property or value).

~~((i))~~ (j) Valuation appeals of taxpayers pursuant to RCW 84.48.010.

~~((j))~~ (k) Appeal from a decision of the assessor relative to a claim for either real or personal property tax exemption, pursuant to RCW 84.48.010.

(1) Destroyed property appeals pursuant to RCW 84.70.010.

(2) Boards have jurisdiction to equalize property values ~~((in the assessor's approved revaluation area))~~ on their own initiative pursuant to RCW 84.48.010, in accordance with WAC 458-14-046.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-056 Petitions—Time limits—Waiver of filing deadline for good cause. (1) The sole method for appealing an assessor's determination to the board, as to valuation of property, or as to any other types of assessor determinations shall be by means of a properly completed and timely filed taxpayer petition.

(2) A taxpayer's petition for review of the assessed valuation placed upon property by the assessor or for review of any of the types of appeals listed in WAC 458-14-015 shall be filed in duplicate with ~~((the clerk of))~~ the board on or before July 1st of the assessment year or within thirty days after the date an assessment or value change notice or other determination notice ~~((has been))~~ is mailed to the taxpayer, whichever date is later (RCW 84.40.038).

(3) No late filing of a petition shall be allowed except as specifically provided in this subsection. The board may waive the filing deadline if the petition is filed within a reasonable time after the filing deadline and the petitioner shows good cause, as defined in this subsection, for the late filing. A petition that is filed after the deadline without a showing of good cause shall be dismissed unless, after the taxpayer is notified by the board that the petition will be dismissed because of the late filing, the taxpayer promptly shows good cause for the late filing. The board shall decide a taxpayer's claim of good cause without holding a public hearing on the claim and shall promptly notify the taxpayer of the decision, in writing. The board's decision regarding a waiver of the filing deadline is final and not appealable to the state board of tax appeals. Good cause may be shown by documentation of one or more of the following events or circumstances:

(a) The taxpayer was unable to file the petition by the filing deadline because of a death or serious illness of the taxpayer or of a member of the taxpayer's immediate family occurring at or shortly before the time for filing. For purposes of this subsection, the term "immediate family" includes, but is not limited to, a grandparent, parent, brother, sister, spouse, child, or grandchild.

(b) The taxpayer was unable to file the petition by the filing deadline because of the occurrence of all of the following:

(i) The taxpayer was absent from his or her home or from the address where the assessment notice or value

change notice is normally received by the taxpayer. If the notice is normally mailed by the assessor to a mortgagee or other agent of the taxpayer, the taxpayer must show that the mortgagee or other agent was required, pursuant to written instructions from the taxpayer, to promptly transmit the notice and failed to do so; and

(ii) The taxpayer was absent (as described in (b)(i) of this subsection) for more than fifteen of the thirty days prior to the filing deadline; and

(iii) The filing deadline is after July 1 of the assessment year, that is, the notice from which the taxpayer appeals was mailed within the assessment year and after June 1st.

(c) The taxpayer was unable to file the petition by the filing deadline because the taxpayer reasonably relied upon incorrect, ambiguous, or misleading written advice as to the proper filing requirements by either a board member or board staff, the assessor or assessor's staff, or the property tax advisor designated under RCW 84.48.140, or his or her staff.

(d) The taxpayer was unable to file the petition by the filing deadline because of a natural disaster such as a flood or earthquake occurring at or shortly before the time for filing.

(e) The taxpayer was unable to file the petition by the filing deadline because of a delay or loss related to the delivery of the petition by the postal service. The taxpayer must be able to provide documentation from the postal service of such a delay or loss.

(4) If a petition is filed by mail it shall be postmarked no later than the filing deadline. If the filing deadline falls upon a Saturday, Sunday or holiday, the petition shall be filed on or postmarked no later than the next business day.

((4)) (5) A petition is properly completed when all relevant questions on the form provided or approved by the department ~~(is completed and filed. The petition must)~~ have been answered and the answers contain sufficient information or statements to apprise the board and the assessor of the reasons for the appeal. A petition which merely states that the assessor's valuation is too high or that property taxes are excessive, or similar such statements, is not properly completed and shall not be considered by the board. If, at the time of filing the petition, the taxpayer does not have all the documentary evidence available which he or she intends to present at the hearing, the petition will be deemed to be properly completed for purposes of preserving the taxpayer's right of appeal, if it is otherwise fully and properly ~~(completed)~~ filled out. However, any comparable sales or other valuation evidence not submitted at the time the petition is filed must be provided by the taxpayer to the assessor and the board at least seven business days, excluding legal holidays, prior to the board hearing. A copy of such completed petition shall be provided to the assessor by the clerk of the board. Any petition not fully and properly completed shall not be considered by the board (RCW 84.40.038). See: WAC 458-14-066 Requests for valuation information—Duty to exchange information—Time limits, for an explanation of the availability, use and exchange of valuation information prior to the hearing before the board.

((5) Nothing in this section shall be construed to prevent the assessor from reviewing the valuation determination made with respect to the taxpayer's property and reaching an agreement with the taxpayer prior to the hearing.

~~If, after filing the petition, the assessor and taxpayer reach an agreement as to the true and fair value of the property, such agreement shall be submitted to the board for approval, together with necessary valuation information. Approval shall be granted unless the board has evidence that the agreed value was arbitrary, capricious or intentionally discriminatory in nature, or was a result of fraud or collusion between the assessor and the taxpayer. The board shall have the authority to request additional valuation information if it believes that the information submitted is not sufficient for it to make a determination.)~~

(6) Whenever the taxpayer has an appeal pending with the board, the state board of tax appeals or with a court of law, and the assessor notifies the taxpayer of a change in property valuation, the taxpayer ~~(shall be)~~ is required to file a timely petition with the board in order to preserve the right to appeal the change in valuation. For example, if a taxpayer has appealed a decision of the board to the board of tax appeals regarding an ~~(assessment)~~ assessed value for the year 1989, and that appeal is pending when the assessor issues a value change notice for the 1990 assessment year, the taxpayer must still file a timely petition appealing the valuation for the 1990 assessment year in order to preserve his or her right to appeal from that 1990 ~~(assessment)~~ assessed value.

(7) Petition forms shall be available from the clerk of the board and from the assessor's office.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-066 Requests for valuation information—Duty to exchange information—Time limits. (1) Introduction. Timely access to valuation information should be provided to both parties prior to the hearing on a petition so that time-consuming and costly discovery procedures are unnecessary.

(2) Requests by a taxpayer for valuation information from the assessor may be made on the petition form ~~(submitted to the clerk of)~~ filed with the board, or may be made at any reasonable time prior to the hearing. Upon request by the taxpayer, the assessor shall make available to the taxpayer the comparable sales used in establishing the taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall provide the taxpayer with such information. All such valuation information, including comparable sales, shall be provided to the taxpayer and the board within ~~(thirty)~~ sixty days of ~~(such)~~ the request but at least ~~(ten)~~ fourteen business days, excluding legal holidays, prior to ~~(such)~~ the taxpayer's appearance before the board of equalization.

(3) The valuation information provided by the assessor to the taxpayer shall not be subsequently changed ~~(or modified)~~ by the assessor ~~(in any review or appeal proceedings)~~ unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide ~~(such)~~ the additional evidence to the taxpayer and the board at least ~~(ten)~~ fourteen business days prior to the ~~(review proceedings or the hearing on appeal)~~ hearing at the board.

(4) A taxpayer who ~~(provides or intends to provide)~~ lists ~~(of)~~ comparable sales ~~(in connection with the filing~~

and/or hearing of)) on the petition, or who provides the board and the assessor with comparable sales or valuation evidence after filing the petition shall (~~provide such information to the assessor and the board a reasonable time prior to the hearing and shall~~) not thereafter change or add other comparable sales or valuation evidence without providing the assessor and the board with the additional information at least ~~((five))~~ seven business days, excluding legal holidays, prior to the board hearing.

(5) If either the assessor or taxpayer does not comply with the requirements of this section, the board in its discretion may (~~waive the taxpayer's requirement to provide the information at least five business days prior to the hearing, and in such event, the board shall allow the assessor a continuance when so requested~~) take any of the following actions:

(a) If there is no objection by either party, consider the new evidence provided by either party and proceed with the hearing;

(b) If there is an objection by either party to the failure of the other party to comply with the requirements of this section, the board may:

(i) Refuse to consider evidence that was not timely submitted; (ii) Postpone the hearing for a definite time period designated by the board, to provide the parties an opportunity to review all evidence; or

(iii) Proceed with the hearing but allow the parties to submit new evidence to the board and the other party, after the hearing is concluded, within definite time periods designated by the board, and provide each party with an adequate opportunity to rebut or comment on the new evidence prior to the board's decision.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-116 Orders of the board—Notice of value adjustment—Effective date. (1) All orders issued by a board shall be on the form provided or approved by the department and shall state the facts and evidence upon which the decision is based and the reason(s) for the decision.

(2) All orders of the board shall be signed by the chairman of the board, provided, however, that the chairman may, by written designation, authorize other members or the board clerk to sign orders on behalf of the chairman.

(3) After a hearing, if a board adjusts or sustains the valuation of a parcel of real property or an item of personal property, the board shall serve or mail notice of the decision to the appellant and the assessor.

(a) If the valuation is reduced, the new valuation shall take effect immediately, subject to the parties' right to appeal the decision.

(b) If the valuation is increased, the increased valuation shall become effective thirty days after the date of service or mailing of the notice of the adjustment unless the taxpayer or assessor files a petition to the board of tax appeals in accordance with WAC 458-14-170, before the effective date. If such a petition is filed, the increase does not take effect until the board of tax appeals disposes of the matter.

(4) If the valuation is increased without a petition having been filed, the increased valuation shall become effective thirty days after the date of service or mailing of

the notice of the adjustment to the taxpayer unless the taxpayer files a petition with ~~((the clerk of))~~ the board on or before the effective date.

(5) In counties with a multiyear revaluation cycle, orders issued by the board shall have effect up to the end of the revaluation cycle used by the assessor and approved by the department. The board order may contain a specific statement notifying the parties of this effect. If there has been an intervening change in assessed value of the taxpayer's property between the time the petition was filed and the date the board's order is issued, the board's order shall have effect only up to the effective date of the change in assessed value. The same effect will also apply when a valuation adjustment is ordered upon appeal of a board order.

(6) In counties with a multiyear revaluation cycle, once the board has issued a decision with respect to a taxpayer's real property, and when there has been no intervening change in assessed value, any subsequent appeal to the board:

(a) By the same taxpayer relating to the same property shall be treated as a motion for reconsideration. The board shall hold a hearing on the appeal/motion only if the taxpayer can show that there is newly discovered evidence that materially affects the basis for the board's decision and the taxpayer can show that the evidence could not with reasonable diligence have been discovered and produced at the original hearing;

(b) By a taxpayer who acquired the property from the taxpayer to whom the board decision was issued, and for a subsequent assessment year, shall be treated as an original appeal.

AMENDATORY SECTION (Amending WSR 93-08-050, filed 4/2/93, effective 5/3/93)

WAC 458-14-127 Reconvened boards—Authority.

(1) Boards of equalization may reconvene on their own authority to hear requests ~~((or appeals))~~ concerning the current assessment year when the request ~~((or appeal))~~ is filed with the board by April 30 of the tax year immediately following the board's regularly convened session and at least one of the following conditions is met:

(a) A taxpayer requests the board reconvene and submits to ~~((the clerk of))~~ the board a sworn affidavit stating that notice of change of value for the assessment year was not received by the taxpayer at least fifteen calendar days prior to the deadline for filing the petition, and can show proof that the value was actually changed.

(b) An assessor submits an affidavit to ~~((the clerk of))~~ the board stating that the assessor was unaware of facts which were discoverable at the time of appraisal and that such lack of facts caused the valuation of property to be materially affected. In the affidavit, the assessor shall state the facts which affected the value and also state both the incorrect value and the true and fair market value of the property and shall mail a copy of the affidavit to the taxpayer. If the board decides to reconvene to consider the valuation, it shall notify both the taxpayer and assessor of its decision in writing.

(c) In an arm's length transaction, a bona fide purchaser or contract buyer of record has acquired an interest in real property subsequent to the first day of July and on or before

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December 31 of the assessment year and the sale price was less than ninety percent of the assessed value.

~~(2) (Boards may reconvene on their own authority to adjust values for assessment years subsequent to the assessment year under appeal when a valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made within thirty days after mailing of the order providing for the adjustment.~~

~~(3))~~ Upon request of either the taxpayer or the assessor, boards may reconvene on their own authority to hear appeals with respect to property or value ~~((which))~~ that was omitted from the assessment rolls. No request shall be accepted for any period more than three years preceding the year in which the omission is discovered.

~~((4))~~ (3) Requests for reconvening boards concerning prior year's assessments or for an extension of the annual regularly convened session to enable the board to complete its annual equalization duties shall be submitted to the clerk of the board who shall submit such request to the department for determination.

~~((5))~~ (4) The department may require any board to reconvene at any time for the purpose of performing or completing any duty or taking any action the board might lawfully have performed or taken at any of its previous meetings, or for any other purpose allowed by law.

~~((6))~~ (5) The department shall reconvene a board upon request of a taxpayer when the taxpayer makes a prima facie showing of actual or constructive fraud on the part of taxing officials. The department shall reconvene a board upon request of an assessor when the assessor makes a prima facie showing of actual or constructive fraud on the part of a taxpayer.

~~((7))~~ (6) All reconvening requests shall:

(a) Specify the assessment year(s) ~~((which))~~ that is the subject of the request; and

(b) State the specific grounds upon which the request is based; and

(c) If the taxpayer is the party requesting the reconvening, state that he or she is the owner or duly authorized agent, personal representative or guardian, of the property or is a lessee responsible for the payment of the property taxes.

~~((8))~~ (7) No board shall reconvene later than three years after the adjournment of its regularly convened session.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-146 Conflicts of interest. (1) Board members shall disqualify themselves from hearing an appeal involving property owned in whole or in part by members or employees of the board or county legislative authority or any person related to a member or employee of the board or county legislative authority by blood or marriage. Board members do not need to disqualify themselves from hearing an appeal filed by other county officials, such as the county auditor, sheriff, treasurer, prosecutor, assessor, judges, or other county officials or their employees.

(2) Board members who are or who have been real estate agents, appraisers, or assessors shall disqualify themselves from hearing an appeal ~~((involving property))~~ regarding property with which they have been involved, until

the property has been revalued subsequent to their involvement in accordance with the assessor's revaluation cycle, as follows:

(a) Property that they have appraised; or

(b) Property with which they have been connected with the purchase or sale; or

(c) Property with which they have in any way exercised discretion ~~((until the next revaluation cycle following departure from their former occupation)).~~

(3) If a board cannot achieve a quorum due to the provisions of subsections (1) and (2) of this section, the board shall sustain the assessor's determination. The taxpayer shall be advised by the board of the right to appeal the ~~((determination))~~ board's action to the state board of tax appeals.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-160 Continuances—Ex parte contact.

(1) Extensions of time, other than the time for filing petitions, continuances, and adjournments may be ordered by the board on its own motion or may be granted by it, in its discretion, on motion of any party showing good and sufficient cause therefor. For a waiver of the time limit in which to file the petition, see WAC 458-14-056(3).

(2) No one shall make or attempt to make any ex parte contact with board members except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, nor shall a board member make or attempt to make any ex parte contact with any person regarding any issue in the proceeding who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate, unless necessary to procedural aspects of maintaining an orderly process.

AMENDATORY SECTION (Amending WSR 93-08-050, filed 4/2/93, effective 5/3/93)

WAC 458-14-170 Appeals to the state board of tax appeals. (1) Pursuant to RCW 84.08.130, any taxpayer, taxing unit, or assessor feeling aggrieved by the action of a board may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the board has served or mailed its decision. The appeal is deemed timely filed with the board of tax appeals if postmarked on or before the thirtieth day after the board of equalization has served or mailed its decision.

(2) The notice of appeal shall specify the actions of the board ~~((which))~~ that the appellant is appealing, and shall be in such form as is required by the board of tax appeals (see WAC 456-10-310 and 456-09-310). The petitioner shall serve a copy of the notice of appeal on all named parties within the same thirty-day time period.

(3) The board appealed from shall file with the board of tax appeals a true and correct copy of its decision in such action and all evidence taken in connection therewith.

AMENDATORY SECTION (Amending WSR 93-08-050, filed 4/2/93, effective 5/3/93)

WAC 458-14-171 Direct appeals to board of tax appeals. (1) In an appeal involving complex issues or requiring expertise beyond the board's proficiency, a taxpayer, prior to the hearing before the board, may file a request with the board for a direct appeal to the state board of tax appeals without first having been heard by the board. The taxpayer and assessor (or the assessor's authorized designee) must jointly sign this request. Without holding a public hearing on the request, the board, by simple majority vote, shall approve or deny the request within fifteen calendar days of its receipt.

(2) If the board denies the request, the board shall notify all parties to the appeal, in writing, of the denial, and process the taxpayer's appeal as though no request had been made. The board need not provide reasons for its denial. If the board fails to act timely on the request, the taxpayer may petition the board to schedule a hearing on the taxpayer's appeal. Within thirty days of receipt of the taxpayer's petition, the board will schedule a future date for the taxpayer's appeal to be heard.

(3) If the board approves the request, the board shall notify all parties to the appeal, in writing, of the approval, and shall forward the taxpayer's appeal to the state board of tax appeals together with the request for direct appeal and the signed approval of the board. ~~((The direct appeal will not be filed with the county auditor.))~~

(4) If the state board of tax appeals rejects the request, it must do so within thirty calendar days of receipt of the request and shall at the same time notify all parties and the board of the reason or reasons for the rejection. In such cases, the board shall process the taxpayer's appeal as though no request had been made.

WSR 95-17-116

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5078—Filed August 23, 1995, 11:02 a.m.]

Date of Adoption: August 23, 1995.

Purpose: The rule will allow the Asparagus Commission to conduct nominations by mail petitions as an alternative to the nomination meetings, when approved by the director.

Citation of Existing Rules Affected by this Order: Amending WAC 16-557-020 Asparagus Commodity Board, subsection (5) nomination and election of board members.

Statutory Authority for Adoption: RCW 15.65.050, Washington State Agricultural Enabling Act of 1961.

Adopted under notice filed as WSR 95-12-090 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1995

James M. Jesernig
Director

AMENDATORY SECTION (Amending WSR 91-09-003, filed 4/4/91, effective 5/5/91)

WAC 16-557-020 Asparagus commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five

years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. Nominating petitions for producers shall be signed by not less than five affected producers of the district from which such a candidate will be elected. Nomination petitions for handlers, fresh and processed shall be signed by not less than three affected handlers. The final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision

of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit

of state funds, in which all money received by the board, except for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act.

(m) To bring actions or proceedings, upon joining the director as a party, for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, notice of

the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer, and handler and by regular news service.

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 95-17-117

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5079—Filed August 23, 1995, 11:04 a.m.]

Date of Adoption: August 23, 1995.

Purpose: The rule will allow the Dry Pea and Lentil Commission to conduct nominations by mail petition as an alternative to the nomination meetings, when approved by the director.

Citation of Existing Rules Affected by this Order: Amending WAC 16-536-020 Dry Pea and Lentil Board, subsection (5) nomination and election of board members.

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 95-12-089 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1995

James M. Jesernig

Director

AMENDATORY SECTION (Amending Order 1768, filed 7/13/82)

WAC 16-536-020 The dry pea and lentil board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer

nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: *Provided*, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three - one year

Positions four, five and six - two years

Positions seven, eight, nine, and ten - three years

No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers and handlers. Nominating petitions for producers and handlers shall be signed by not less than five affected producers and handlers. Final date for filing nominations shall be not less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order: *Provided*, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter ~~(34.04)~~ 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 95-17-118

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5077—Filed August 23, 1995, 11:05 a.m.]

Date of Adoption: August 23, 1995.

Purpose: The annual assessment rate shall continue to be two dollars and fifty cents per affected unit for crop year 1996 and subsequent years unless adjusted by the growers; bring the inspection requirements into compliance with USDA Federal Grain Inspection Service; and add two new commercial hop varieties to the labeling rules of the commission.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-035, 16-532-040, and 16-532-120. Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 95-10-095 on May 3, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 3, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1995

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 1992, filed 12/2/88)

WAC 16-532-035 Inspection required. All varieties of hops produced in the state of Washington shall be inspected and certified by the Federal/State Hop Inspection Service for quality and condition (~~(when marketed)~~) of seed, leaf and stem prior to marketing or processing, pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

AMENDATORY SECTION (Amending Order 2090, filed 7/10/91, effective 8/10/91)

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit (~~(for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year of 1996 and subsequent years shall be one dollar and twenty five cents)~~).

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reason-

ably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending WSR 93-09-014, filed 4/13/93, effective 5/14/93)

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing the following abbreviations:

AQ - Aquila
BA - Banner
BG - Brewer's Gold
CA - Cascade
CN - Centennial
CH - Chinook
CL - Cluster
CR - Crystal
ER - Eroica
EX - Experimental
FU - Fuggle
GA - Galena
HA - Hallertauer
HE - Hersbrucker
LI - Liberty
MH - Mt. Hood
~~((LI - Liberty))~~

NB - Northern Brewer
 NU - Nugget
 OL - Olympic
 OT - Other
 SA - Saaz
 SP - Spalter
 PE - Perle
 TE - Tettninger
 UL - Ultra
 WI - Willamette

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

WSR 95-17-127
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed August 23, 1995, 11:26 a.m.]

Date of Adoption: August 23, 1995.

Purpose: Authorizing honorary consuls to retain their special consul license plates after leaving office.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-061 and 308-96A-062.

Statutory Authority for Adoption: RCW 46.16.301 and [46.16].371.

Adopted under notice filed as WSR 95-14-074 on June 29, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1995

Kathy Baros Friedt

Director

AMENDATORY SECTION (Amending Order TL/RG 39, filed 12/7/87)

WAC 308-96A-061 Honorary ((consular official)) consul special license plates ((application procedures)).

(1) Applications for honorary ((consular official)) consul special license plates, created pursuant to RCW 46.16.301 (1)(b), shall be made in writing ((on a form provided by)) to the department of licensing, and shall be accompanied by the following:

(a) A copy of an ((executive)) official document issued by the Department of State of the United States of America ((verifying that)) recognizing the applicant ((is duly licensed and)) as an honorary consul or official representative of ((any)) the foreign government.

(b) A copy of documents establishing that the motor vehicle is owned or leased by the ((person requesting the special plates)) applicant. Acceptable documents include, but are not limited to, the current certificate of ((title)) ownership or registration.

(c) Any other ((such)) documentation that the department may reasonably require.

(d) Payment of ((regular)) all applicable license fees and excise ((tax)) taxes.

(2) The application shall be signed by the registered owner of the motor vehicle.

(3) The department may reject or refuse any application which does not conform to the provisions of ((chapter 237, Laws of 1987,)) RCW 46.16.371 and rules ((and regulations of)) adopted by the department.

(4) Upon satisfactory application and payment of appropriate fees, the department shall issue a special consul license plate to the applicant. The special license plate may be retained and used by the consular until voluntarily surrendered to the department, or the consular is permanently relieved of his/her duties as an honorary consul or official representative of the foreign government. If the consular is permanently relieved of his/her duties, is deceased, or voluntarily surrenders the special consul license plate, the plate shall be forwarded to the department.

AMENDATORY SECTION (Amending Order TL/RG 39, filed 12/7/87)

WAC 308-96A-062 Transfer or destruction of honorary ~~((consular official))~~ consul special license plates. Whenever the owner or lessee transfers ~~((or assigns))~~ his/her interest ~~((or title))~~ in the motor vehicle to which the honorary ~~((consular official))~~ consul special license plates ~~((were))~~ are issued, the plates shall be removed. The removed plates ~~((may either))~~ shall be immediately forwarded to the ~~((director))~~ department to be destroyed, or the special plates may be held for use on, or transferred to another motor vehicle owned by the ~~((previous holder of the plates))~~ consul or foreign government representative. Immediately upon transfer of the plates to another motor vehicle the holder of the special plates shall ~~((complete and))~~ submit an application to the department ~~((a notification form provided by the department and))~~ to transfer the special plates to another motor vehicle, including payment of a \$5.00 transfer fee ~~((plus any))~~ and all other applicable license fees and excise ~~((tax))~~ taxes.

PERMANENT



WSR 95-17-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 95-97—Filed August 3, 1995, 4:30 p.m.]

Date of Adoption: August 3, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The ocean coho salmon quota for Area 4 is projected to be attained by August 4th. Harvestable coho remain available in waters east of the Bonilla-Tatoosh line. It is anticipated that this quota will be taken by August 6th, after which these waters will remain open to pink salmon fishing. There are insufficient chinook to allow for any chinook salmon retention.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 3, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000A Coastal salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - Immediately through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - Immediately through September 28 - Daily limit F except release chinook salmon.

Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with area 1 of no more than four salmon in any seven consecutive days.

(3) Catch Record Card Area 3 - Immediately through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore.

(4)(a) Catch Record Card Area 4 - Immediately through August 4 - Daily limit F except release chinook salmon. Area 4 is closed within three miles of shore in those waters south of Skagway Rock.

(4)(b) Catch Record Card Area 4 waters east of the Bonilla-Tatoosh line - August 5 through August 6 - Daily limit F except release chinook salmon.

(4)(c) Catch Record Card Area 4 waters east of the Bonilla-Tatoosh line - August 7 through September 4 - Daily limit F except release chinook and coho salmon.

(5)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boat basin - August 16 until further notice - Daily limit A.

(5)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily Limit A.

(6) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily Limit A.

WSR 95-17-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 95-98—Filed August 3, 1995, 4:35 p.m.]

Date of Adoption: August 3, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100K; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Catch Record Card Areas 5 and 6 will be closed to coho salmon fishing, and prohibition of landing coho in these areas will prevent closed area fishing under the guise of landing fish from the adjacent Area 4, which will be open to coho salmon for the two days. Test fishing shows available chinook in inner Elliott Bay. Updated test fisheries each week will determine if recreational opportunity remains available.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

EMERGENCY

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 3, 1995
 Judith Freeman
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-56-19100L Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-191.

(1) Effective August 5 through August 6, 1995, in Catch Record Card Areas 5 and 6 it is unlawful to land coho salmon taken for personal use from Washington state waters.

(2) Effective immediately until further notice - Catch Record Card Area 10 waters east of a line from Alki Point to Fourmile Rock - From 12:00 noon each Friday until 9:00 p.m. each Sunday - Special daily limit of two salmon. Chinook salmon minimum size 22 inches but there is no size limit for other salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100K Puget Sound salmon - Saltwater seasons and bag limits (95-69)

**WSR 95-17-012
 EMERGENCY RULES
 SUPERINTENDENT OF
 PUBLIC INSTRUCTION**
 [Filed August 4, 1995, 3:52 p.m.]

Date of Adoption: August 4, 1995.

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.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-142-175; and amending WAC 392-142-005, 392-142-010, 392-142-095, 392-142-115, 392-142-125, 392-142-130, 392-142-135, 392-142-155, 392-142-165, 392-142-170, 392-142-205, 392-142-210, 392-142-240, and 392-142-265.

Statutory Authority for Adoption: ESSB 5408, RCW 28A.150.290, chapter 28A.160 RCW as amended in ESSB 5408, section 1(6).

Under 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: In order for the Superintendent of Public Instruction to begin the process of calculating state support payments due to school districts by the end of September, the lowest competitive bid quotes for each category must be identified by September 1. (School bus replacement funding is based upon the accrual of interest for the entire year (September through the next August). School districts using state support payments to meet their obligations under conditional sales contracts must have those funds available by the end of September.) To meet the deadlines established by the State Treasurer's Office for data distribution and EFT tape transmissions so that state funds can be transferred to county treasurers for the end of September availability to school districts, the Superintendent of Public Instruction must have identified the amount of state support for each school bus in the state by mid-September. These new rules and amendments are required by new law which was signed by the governor on June 14. A public hearing has been held on the proposed rules, but the permanent rules will not be in place soon enough to allow the agency to proceed with identifying the lowest competitive bid for each bus category, unless the competitive bid quote process begins immediately.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 4, amended 14, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 14, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 4, amended 14, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 4, 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.

EMERGENCY

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))~~ including 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:

((Student Capacity	Fuel Type	Transmission Type	Useful Life
(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>
<u>(1) 10 to 22</u>	<u>Gas</u>	<u>Automatic</u>	<u>8</u>	<u>A</u>
<u>(2) 10 to 22</u>	<u>Diesel</u>	<u>Automatic</u>	<u>8</u>	<u>A</u>
<u>(3) 10 to 22</u>	<u>Gas</u>	<u>Automatic</u>	<u>8</u>	<u>B</u>
<u>(4) 10 to 22</u>	<u>Diesel</u>	<u>Automatic</u>	<u>8</u>	<u>B</u>
<u>(5) 23 to 34</u>	<u>Gas</u>	<u>Automatic</u>	<u>8</u>	<u>B</u>
<u>(6) 23 to 34</u>	<u>Diesel</u>	<u>Automatic</u>	<u>8</u>	<u>B</u>
<u>(7) 35 to 48</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>C</u>
<u>(8) 35 to 48</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>D</u>
<u>(9) 49 to 60</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>C</u>
<u>(10) 49 to 60</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>D</u>
<u>(11) 61 to 77</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>C</u>
<u>(12) 61 to 84</u>	<u>Diesel</u>	<u>Automatic</u>	<u>15</u>	<u>D</u>
<u>(13) Heavy 78 to 84</u>	<u>Diesel</u>	<u>Automatic</u>	<u>20</u>	<u>D</u>
<u>(14) 85 to 90</u>	<u>Diesel</u>	<u>Automatic</u>	<u>20</u>	<u>D</u>

EMERGENCY

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))~~ state reimbursement rate for school bus replacement which shall be based upon the 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).~~

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days

of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate in the state as provided annually by the department of revenue.

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.

Sales tax will be added to the specialized equipment price using the same process described in WAC 392-142-165.

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 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).~~ in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type.

AMENDATORY SECTION (Amending Order 21, filed 1/2/90, effective 2/2/90)

WAC 392-142-210 State-determined purchase prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined purchase prices for each school bus category applicable to the current 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 purchase price shall be derived from competitive price quotes obtained annually by September 1 and a sales tax calculation as described in WAC 392-142-165. The state-determined purchase price shall be determined from 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 lowest price quote will be determined using only the base quote price as stated for the state-supported base bus without options. 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.

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 purchase 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 purchase 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 95-17-035
EMERGENCY RULES
INSURANCE COMMISSIONER'S OFFICE
 [Order R 95-11—Filed August 9, 1995, 2:18 p.m.]

Date of Adoption: August 9, 1995.

Purpose: Implementation and enforcement of SSB 5854 requiring all health carriers and health care benefit programs administered by the Health Care Authority to permit women

direct access to women's health care providers for women's health care service.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a), 48.18.120, 48.20.450, 48.20.460, 48.44.020, 48.44.050, 48.44.070, 48.46.060, 48.46.200, 48.46.243.

Under 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: Women are granted the right of direct access to women health care practitioners for women's health care services effective July 23, 1995. Carriers need direction from the commissioner as to how the law will be enforced so that women can take advantage of their rights and carriers can amend existing health benefit plans with confidence that their actions comply with the law. The effective date of the law predates the emergency rule and carriers, health care providers and consumers are uncertain as to their rights or responsibilities under the law. The commissioner must immediately instruct the affected carriers and the public of its intentions to enforce the new law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 9, 1995

Deborah Senn

Insurance Commissioner

Chapter 284-47 WAC HEALTH CARE REFORM

NEW SECTION

WAC 284-47-100 Health care carrier standards for women's right to directly access certain health care practitioners for women's health care services. (1) For purposes of this section:

(a) "Health care carriers" or "carriers" means disability insurers regulated under chapter 48.20 or 48.21 RCW, health care service contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under chapter 48.43 RCW.

(b) "Women's health care practitioners" means health care practitioners that, consistent with their lawful scope of practice, provide women's health care services including any generally recognized medical specialty or practitioners licensed under chapter 18.57 or 18.71 RCW who provide women's health care services; practitioners licensed under chapters 18.57A and 18.71A RCW when providing women's health care services; and advanced registered nurse practitioner specialists in women's health and midwifery under chapter 18.79 RCW.

(c) "Women's health care services" means maternity care, reproductive health services, gynecological care, general examination and preventive care as medically appropriate, and medically appropriate follow-up visits for the foregoing services.

(2) All health care carriers shall permit each female policyholder, subscriber, enrolled participant, or beneficiary of carrier policies, plans, and programs written, amended, or renewed after July 23, 1995, to directly access the type of health care practitioner of her choice for appropriate covered women's health care services without prior referral from another type of health care practitioner. Direct access may be limited by the carrier to those practitioners who have signed participating provider agreements with the carrier; but, the carrier shall include in the network all practitioners specifically named in the definition of "women's health care practitioners" under subsection (1) of this section. These practitioners should include general practitioners, family practitioners, obstetricians and gynecologists, and advanced registered nurse practitioners.

(3) Nothing in RCW 48.42.— (section 1, chapter 389, Laws of 1995) permits health care carriers to limit access to women's health care practitioners for particular health conditions. Women's health care services, including general exams and preventive care, cover a wide range of health care services including annual physicals and care for conditions discovered during the annual physical. The type of service a woman may obtain by direct access to a provider of her choice is limited by the scope of practice of the women's health care practitioner and medical necessity.

(4) While RCW 48.42.— (section 1, chapter 389, Laws of 1995) recognizes that carriers may limit benefits to "medically appropriate" health care services and may limit women to the use of network providers, no carrier shall impose an extra cost, penalty, or any other barrier to women's exercise of rights of direct access. For example, carriers shall not impose a co-payment requirement for women who directly access a gynecologist as their primary care provider when the carrier imposes no co-payment for women who use a family physician or other type of primary care provider for a similar service.

(5) Carriers shall inform women through benefit handbooks or other written materials of the women's right to directly access certain health care practitioners.

(6) Carriers shall not retroactively deny direct access to benefits, because women do not understand the circumstances under which women may directly access practitioners of their choice. Carriers shall advise women's health care practitioners whether the carrier will deny payment or benefits for specific health services before the practitioner treats a woman. A woman shall not be denied benefits after treatment has been received.

(7) The following examples illustrate this section:

(a) A woman directly accesses an ophthalmologist. The carrier denies the claim for lack of prior referral from another practitioner. Under these circumstances an ophthalmologist is not a women's health care provider and the carrier has not violated this section or RCW 48.42.— (section 1, chapter 389, Laws of 1995).

(b) A woman directly accesses an obstetrician/gynecologist for headaches. The carrier denies the claim as not a women's health care service. Treatment of headaches is within the scope of practice of an obstetrician/gynecologist and should be covered. Failure to provide coverage would violate RCW 48.42.— (section 1, chapter 389, Laws of 1995) and this section.

(c) The carrier requires different cost-sharing for direct access to women's health care practitioners:

(i) By waiving co-pays if women go to a "gatekeeper" or general practitioner before directly accessing women's health care practitioners;

(ii) By increasing the co-payments from fifteen dollars to thirty dollars for direct access to women's health care practitioner office visits; or

(iii) By increasing from twenty percent to fifty percent the co-insurance for direct access to in-patient services by women's health care practitioners.

These cost-sharing arrangements create barriers to a woman's exercise of her right of direct access under the law and violate RCW 48.42.— (section 1, chapter 289, Laws of 1995) and this section.

(d) A clinic is paid a monthly fee to provide most health care services to a carrier's enrollees. The clinic chooses to limit direct access to women's health care providers within the clinic despite the carrier's broader provider network that includes nonclinic women's health care practitioners. This practice constitutes a barrier to direct access to women's health care practitioners within the carrier's network. The carrier may not permit a clinic within a network to prevent women from accessing other network women's health care practitioners. Such an arrangement creates a barrier to a woman's exercise of her right of direct access under the law and violates RCW 48.42.— (section 1, chapter 389, Laws of 1995) and this section.

WSR 95-17-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-99—Filed August 11, 1995, 8:44 a.m., effective August 12, 1995, 12:01 a.m.]

Date of Adoption: August 10, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: An interim order has been entered by the federal court in the treaty shellfish litigation. This rule implements that order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 12, 1995, 12:01 a.m.

August 10, 1995
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-33000E Crab seasons. Notwithstanding the provisions of WAC 220-56-310; WAC 220-56-315 and WAC 220-56-330, effective August 12, 1995, until further notice it is unlawful to take crab for personal use from the waters of Puget Sound except as provided for in this section.

(1) Catch record card areas 4, 5, 6, 8, 10, 11 and those waters of area 9 north of a line from Foulweather Bluff to Olele Point:

(a) Open Thursday through the following Monday of each week. All crab gear must be removed from the water from 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week.

(b) The daily limit is 5 male Dungeness crab and 6 red rock crab.

(2) Catch record card area 7:

(a) The daily limit is 5 male Dungeness crab and 6 red rock crab.

(3) Catch record card area 12:

(a) Open one-half hour before sunrise each Thursday through one-half hour after sunset through the following Tuesday. Unlawful to pull crab gear from one-half hour after sunset to one-half hour before sunrise during the open period. All crab gear must be removed from the water from one-half hour after sunset Tuesday to one-half hour before sunrise Thursday of each week.

(b) The daily limit is 4 male Dungeness crab and 6 red rock crab.

(c) Effective September 1, 1995 until further notice each harvester may use no more than one unit of crab gear.

(4) Catch record card area 13 and those waters of area 9 south of a line from Foulweather Bluff to Olele Point:

(a) Open Thursday through following Tuesday of each week. All crab gear must be removed from the water from 12:01 a.m. through 11:59 p.m. of each Wednesday.

(b) The daily limit is 4 male Dungeness crab 6 red rock crab.

(c) Effective September 1, 1995 until further notice each harvester may use no more than one unit of crab gear.

(5) As used in this section a unit of crab gear is defined as a single shellfish pot or ring net.

(6) All other provisions of WAC 220-56-310, WAC 220-56-315 and WAC 220-56-330 remain in effect.

WSR 95-17-046
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed August 11, 1995, 11:24 a.m.]

Date of Adoption: August 11, 1995.

Purpose: To implement Citizen's Initiative (I 607), that regulates the profession of denturism, establishing eligibility, licensing and standards of practice criteria.

Statutory Authority for Adoption: RCW 18.30.070(3).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 18.30 RCW, mandated examination and licensing no later than July 1, 1995. This did not allow adequate time for full public hearings on the adoption of permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 34, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 34, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 34, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 34, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 11, 1995
 Mimi Fields
 for Bruce A. Miyahara
 Secretary

Chapter 246-812 WAC
BOARD OF DENTURE TECHNOLOGY

DENTURISTS

NEW SECTION

WAC 246-812-001 Purpose. The purpose of these rules is to further clarify and define chapter 18.30 RCW, Denturists.

NEW SECTION

WAC 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Approval" and "accreditation" are used interchangeably with reference to sanctioning of courses.

"Board" means the state board of denture technology, whose address is:

Department of Health
 Health Profession Quality Assurance Division
 Board of Denture Technology
 1112 SE Quince Street, PO Box 47867
 Olympia, WA 98504-7867

"Denture technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.

"Five years employment in denture technology" is defined as working a minimum of twenty hours per week during five of the last ten years.

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

"4,000 Hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.

NEW SECTION

WAC 246-812-015 Adjudicative proceedings—Procedural rules for the board. The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

LICENSURE—APPLICATION AND ELIGIBILITY REQUIREMENTS

NEW SECTION

WAC 246-812-101 Purpose. The purpose of WAC 246-812-101 through 246-812-170 is to establish guidelines on eligibility, and set forth the procedures for application to receive a license for the practice of denturism. By statute, the eligibility and application criterion are established in RCW 18.30.090.

NEW SECTION

WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements. To be eligible for Washington state denturist licensure, the applicant shall complete an application provided by the board, and shall include written documentation to meet eligibility criteria. Each applicant shall provide:

(1) A signed, notarized application and required fee. Fees are set by the board and are nonrefundable. Fees must be in United States funds and made payable by check or money order, to the department of health. (Refer to WAC 246-812-990 for fee schedule.)

(2) Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.

(3) Proof of seven hours of AIDS education and training as further defined by WAC 246-812-130.

(4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

NEW SECTION

WAC 246-812-125 Denturist licensure—Endorsement. For the purposes of endorsement as provided in RCW 18.30.090 (1)(a) licensing authorities shall be determined to be substantially equivalent that meet the following criteria:

(1) Written examination - applicants must have successfully completed a written examination which included testing in the areas of:

- (a) Oral pathology;
 - (b) Head and oral anatomy and physiology;
 - (c) Dental laboratory technology;
- Additionally, the examination must include four of the following test categories:
- (d) Partial denture construction and design;
 - (e) Microbiology;
 - (f) Clinical dental technology;
 - (g) Clinical jurisprudence;
 - (h) Asepsis;
 - (i) Medical emergencies;
 - (j) Cardiopulmonary resuscitation.

(2) Practical examination - applicants must have successfully completed a clinical examination.

NEW SECTION

WAC 246-812-130 Denturist licensure—Training course approval. For the purposes of eligibility as defined in RCW 18.30.090 (3)(b), board approval will be given to any course(s) that consists of course work at an accredited institution in each and all of the following areas:

- (1) Head and oral anatomy and physiology;
- (2) Oral pathology;
- (3) Partial denture construction and design;
- (4) Microbiology;
- (5) Clinical dental technology;
- (6) Dental laboratory technology;
- (7) Clinical jurisprudence;
- (8) Asepsis;
- (9) Medical emergencies;

(10) Cardiopulmonary resuscitation.

NEW SECTION

WAC 246-812-140 Application for licensure—AIDS education requirements. (1) Application for licensure. Persons applying for a license shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(2) AIDS education and training. The board shall accept formal lecture-type education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the board will also accept education and training obtained through videos and/or self-study materials. Such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS.

(3) Documentation. The applicant shall:

(a) Certify, on forms provided, that the minimum education and training occurred after January 1, 1986;

(b) Keep records for two years documenting attendance and description of the learning;

(c) Be prepared to validate, through submission of these records, that attendance has taken place.

NEW SECTION

WAC 246-812-150 Examination—Content and scores. An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination as specified in RCW 18.30.100. In order to be licensed, an applicant shall be required to obtain an overall passing score of seventy percent on the written examination and an overall score of seventy percent on the practical examination.

NEW SECTION

WAC 246-812-155 Denturist examination scores. An applicant must pass all sections of the written examination and the practical demonstration of skills within three attempts. After three failures the applicant must petition the board for permission to take any further examination. The board shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

NEW SECTION

WAC 246-812-160 Lapsed and inactive licenses—Requirements for reinstating or activating a license. (1) A licensee who allows their denturist license to lapse for more than three years must pay a penalty fee per WAC 246-812-990.

(2) A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the board's discretion.

(3) A licensee who has placed their denturist license on inactive status and later requests to activate the license shall submit to the board, in writing, a request to activate their

license from inactive status. The request to activate a license must include the following:

- (a) An applicable fee, per WAC 246-812-990.
- (b) Updated chronology from date license was placed into inactive status.
- (c) Proof of four hours of AIDS education refresher training.

NEW SECTION

WAC 246-812-170 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

PRACTICE STANDARDS

NEW SECTION

WAC 246-812-301 Purpose. The purpose of WAC 246-812-201 through 246-812-460 is to provide standards to guide denturists in the conduct of their practice.

NEW SECTION

WAC 246-812-320 Maintenance and retention of patient records. Any denturist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the denturist for five years in an orderly, accessible file and shall be readily available for inspection by the board or its authorized representative. Copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. In such cases, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

In offices where more than one denturist is performing the services, the records must specify the denturist who performed the services.

NEW SECTION

WAC 246-812-330 Privileged communications. A denturist shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the denturist to treat the patient. This shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

NEW SECTION

WAC 246-812-340 Patient abandonment. The denturist shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a denturist shall respond to any reasonable request for his/her services in the interest of public health and welfare.

NEW SECTION

WAC 246-812-350 License display—Notification of address. Every person who engages in the practice of denturism in this state shall display their license, at all times, in a conspicuous place within their office. Whenever requested, they shall exhibit their license to any member of the board, or its authorized agent, and to the secretary or the secretary's authorized agent. Every licensee shall notify the secretary of the address or addresses, including changes, where the licensee shall engage in the practice of denturism.

NEW SECTION

WAC 246-812-360 Identification of new dentures. Every complete upper and lower denture and removable partial denture fabricated by a denturist licensed under the provisions of chapter 18.30 RCW, or fabricated pursuant to the denturist's work order or under the denturist's direction or supervision, shall be marked with the name of the patient for whom the denture is intended. The markings shall be done during fabrication and shall be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the denturist fabricating the denture. If, in the professional judgment of the denturist, this identification is not practical, identification shall be provided as follows:

- (1) The initials of the patient may be shown alone, if use of the patient's name is impracticable; or
- (2) The identification marks may be omitted in their entirety if none of the forms of identification specified in subsection (1) of this section is practicable, clinically safe, or the patient declines.

NEW SECTION

WAC 246-812-390 Improper billing practices. The following acts shall constitute grounds for which disciplinary action may be taken:

- (1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.
- (2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge other than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

NEW SECTION

WAC 246-812-400 Denturist associations or societies. The president or chief executive officer of any denturist association or society within this state shall report to the board when an association or society determines that a denturist has committed unprofessional conduct or that a denturist may not be able to practice denturism with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 246-812-410 Insurance carriers. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the board any evidence that a dentist has charged fees for dentist services not actually provided, or has otherwise committed unprofessional conduct.

NEW SECTION

WAC 246-812-420 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dentists shall send the board a complete report of any malpractice settlement, award or payment over five thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dentist's incompetence or negligence in the practice of dentistry. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetence or negligence in the practice of dentistry regardless of the dollar amount of the payment.

NEW SECTION

WAC 246-812-430 Courts. The board requests the assistance of all clerks of trial courts within the state to report, to the board, all professional malpractice judgments and all criminal convictions of licensed dentists, other than for minor traffic violations.

NEW SECTION

WAC 246-812-440 State and federal agencies. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dentist has been judged to have demonstrated incompetence or negligence in the practice of dentistry, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition, to report to the board all professional malpractice judgments and decisions.

NEW SECTION

WAC 246-812-450 Professional standards review organizations. Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the board any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice their profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

NEW SECTION

WAC 246-812-460 Board conflict of interest. Members of the board shall not participate in deciding a disciplinary case where their participation presents a conflict of interest or creates an appearance of a conflict of interest.

INFECTION CONTROLNEW SECTION

WAC 246-812-501 Purpose. The purpose of WAC 246-812-501 through 246-812-520 is to establish requirements for infection control in dentist offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all dentist staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to dentist and staff, dentist and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-812-620 and 246-812-630.

NEW SECTION

WAC 246-812-510 Definitions. The following definitions pertain to WAC 246-812-501 through 246-812-520.

"**Communicable diseases**" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

"**Decontamination**" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"**Direct care staff**" are the dentist staff who directly provide dentist care to patients.

"**Sterilize**" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

NEW SECTION

WAC 246-812-520 Use of barriers and sterilization techniques. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from dentist and staff to patients, from patient to patient and from patient to dentist and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's

bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dentist treatment shall not be reused for any nondentist purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit;
- (ii) Chair controls (not including foot controls);
- (iii) Light handles;
- (iv) Head rest;
- (v) Instrument trays;
- (vi) Treatment area and laboratory countertops/benches.

(d) Protective eyewear shields shall be worn by the dentist and direct care staff and provided to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dentist office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide, where adequate ventilation is provided. Sterilizers shall be tested by a biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

- (i) Hand instruments;
- (ii) Air-water syringe tips;
- (iii) High volume evacuator tips;
- (iv) Nose cone sleeves;
- (v) Metal impression trays.

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic disinfectant solution cleaning shall be used whenever possible.

(d) Nondisposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed and ultrasonically cleaned in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, appropriately disinfected, placed in and transported to the dentist laboratory in an

appropriate case containment device that is properly sealed and separately labeled.

(f) In the laboratory: Ragwheels shall be sterilized or disinfected; patient pumice shall be discarded after each use; and, patient burrs and stones shall be sterilized or disinfected.

SUBSTANCE ABUSE MONITORING

NEW SECTION

WAC 246-812-601 Purpose. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for dentists whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such dentists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer dentists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-812-610 Definitions. The following general terms are defined within the context used in this chapter:

"**Aftercare**" is that period of time after intensive treatment that provides the dentist and the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

"**Approved substance abuse monitoring program**" or "**approved monitoring program**" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-812-620 which enters into a contract with dentists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating dentists.

"**Approved treatment facility**" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

"**Contract**" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program stipulating the dentist's consent to comply with the monitoring program and its required components of the dentist's recovery activity.

"**Health care professional**" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

"**Random drug screens**" are laboratory tests to detect the presence of drugs of abuse in body fluids which are

performed at irregular intervals not known in advance by the person being tested.

"**Substance abuse**" means the impairment, as determined by the board, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"**Support group**" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which denturists may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"**Twelve-step groups**" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

NEW SECTION

WAC 246-812-620 Approval of substance abuse monitoring programs. The board shall approve the monitoring program(s) which shall participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating dentist.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of denturism as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The dentist work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the dentist and the board to oversee the dentist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall recommend, on an individual basis, whether a dentist shall be prohibited from engaging in the practice of denturism for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any dentist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limita-

tions on the practice of denturism for those participating in the program.

NEW SECTION

WAC 246-812-630 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the dentist may accept board referral into the approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The dentist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The dentist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The dentist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The dentist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the board if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160, if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved

monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

FEEES

NEW SECTION

WAC 246-812-990 Denturist fees. The following fees shall be charged by the department of health and are nonrefundable:

Title of Fee	Fee
Application (includes the initial license which expires the following June 30)	\$ 1,000
Examination	1,500
Reexamination, written	500
Reexamination, practical	500
License renewal	2,750
Late renewal penalty	300
Inactive license renewal	1,500
Duplicate license	15
Certification	25
Multiple location licenses	50

**WSR 95-17-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-100—Filed August 11, 1995, 1:48 p.m.]

Date of Adoption: August 11, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000W; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 harvestable surplus of salmon is available for the troll fleet. The landing and possession limit in this fishery has been increased to 200 coho, consistent with the recommendation of the Pacific Fisheries Management Council in a conference call August 10, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 11, 1995
Robert Turner
Director

NEW SECTION

WAC 220-24-02000X Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Carroll Island (48°00'18" N) it is lawful to fish for and possess all salmon species other than chinook salmon on the following days:

- August 12 through August 15
- August 19 through August 22
- August 26 through August 29
- September 2 through September 5, and
- September 9 through September 12, 1995

(b) All salmon taken during the four day open periods provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold within the open Salmon Management and Catch Reporting Area or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(c) Lawful terminal gear during the fishing period provided for in this subsection is restricted to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies 3 inches or less.

(d) No vessel may land or possess more than 200 coho salmon in each of the four day open periods provided for in this subsection.

(2) In the fisheries authorized in this section:

(a) No coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to take or retain chinook south of Cape Falcon that are less than 26 inches in length.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000W Commercial salmon troll.
(95-89)

**WSR 95-17-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-101—Filed August 11, 1995, 3:33 p.m.]

Date of Adoption: August 11, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19100L.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: No harvestable chinook remain for a recreational fishery, based on run information.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 11, 1995
Robert Turner
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100L Puget Sound salmon—
Saltwater seasons and daily
limits. (95-98)

**WSR 95-17-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-106—Filed August 17, 1995, 3:40 p.m.]

Date of Adoption: August 17, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500A; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 is a harvestable quota of halibut available for a two-day fishery in Area 3 and that portion of Area 4 west of the Bonilla-Tatoosh line. This regulation is consistent with the International Halibut Commission.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 16, 1995
Robert Turner
Director

NEW SECTION

WAC 220-56-25500B Halibut seasons. Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut for personal use except from:

(1) Catch Record Card Area 1 - Open immediately through September 30, 1995. Daily limit of one halibut. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 3 and that portion of Catch Record Card Area 4 west of the Bonilla-Tatoosh line - Open September 3 and 4 only. The area within a rectangle defined by these four corners is closed to halibut fishing at all times: 48 degrees 18 minutes N and 125 degrees 11 minutes W, 48 degrees 18 minutes N and 124 degrees 59 minutes W, 48 degrees 04 minutes N and 125 degrees 11 minutes W and 48 degrees 04 minutes N and 124 degrees 59 minutes W. Daily limit of one halibut no size limit.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500A Halibut seasons. (95-91)

WSR 95-17-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-107—Filed August 17, 1995, 3:45 p.m.]

Date of Adoption: August 17, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000G and 220-56-38000B; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of clams and oysters are available in the open areas. In the closed areas the harvestable surplus of clams has been taken. Restrictions on daylight hours is necessary to prevent conflicts with neighboring private tidelands.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 2, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 17, 1995

E. Manary

for Robert Turner

Director

NEW SECTION

WAC 220-56-35000H Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, borers or mussels taken for personal use from the following tidelands during the times shown:

(A) **Closed Areas:**

(1) Potlatch (DNR - 270442) located immediately southeast of Potlatch State Park. The DNR tidelands are between two rows of orange flexible posts. - **Closed** through 12:00 p.m. November 17, 1995.

(2) Purdy County Park - **Closed** through 12:00 p.m. November 17, 1995.

(3) Rendsland Creek (DNR) - **Closed** through 12:00 p.m. October 27, 1995.

(4) Shine Tidelands State Park - **Closed** through 12:00 p.m. November 17, 1995.

(5) South Indian Island County Park - **Closed** through 12:00 p.m. November 17, 1995.

(6) Winas Maylor - **Closed** through 12:00 p.m. October 27, 1995.

(B) **Open Area:**

(1) Brown Point (DNR 57) **Open** until further notice.

(1) Oak Bay County Park - **Open** through 12:00 p.m. November 17, 1995.

(2) Quilcene Bay (WDFW tidelands) accessed by Linger Longer Road and identified by signs and marker posts - **Open** immediately through September 15, 1995. **Open** only half hour after official sunrise to sunset for the harvest of Littleneck, Manila Butter clams only.

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 220-56-38000C Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following tidelands except during the times shown:

(1) Potlatch State Park - **Open** through 12:00 p.m. November 17, 1995.

(2) Quilcene Bay (WDFW tidelands) accessed by Linger Longer Road and identified by signs and marker posts - **Open** through September 15, 1995. **Open** only one half hour after official sunrise to sunset.

(3) West Dewatto (DNR 44A) - **Open** until further notice.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-35000G Clams other than razor clams—Areas and seasons. (95-93)

WAC 220-56-38000B Oysters—Areas and seasons. (95-93)

WSR 95-17-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-108—Filed August 17, 1995, 3:49 p.m.]

Date of Adoption: August 17, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000X; and amending WAC 220-24-020.

Under 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 harvestable surplus of salmon is available for the troll fleet. The landing and possession limit in this fishery has been increased to 375 coho, consistent with the recommendation of the Pacific Fisheries Management Council in a conference call August 17, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 17, 1995

E. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-24-02000Y Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Carroll Island (48°00'18") it is lawful to fish for and possess all salmon species other than chinook salmon on the following days:

August 19 through August 22

August 26 through August 29

September 2 through September 5, and

September 9 through September 12, 1995

(b) All salmon taken during the four day open periods provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold within the open Salmon Management and Catch Reporting Area or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(c) Lawful terminal gear during the fishing period provided for in this subsection is restricted to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies 3 inches or less.

(d) No vessel may land or possess more than 375 coho salmon in each of the four day open periods provided for in this subsection.

(2) In the fisheries authorized in this section:

(a) No coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to take or retain chinook south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000X Commercial salmon troll.
(95-100)

**WSR 95-17-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Order 95-105—Filed August 17, 1995, 4:37 p.m., effective September 1, 1995]

Date of Adoption: August 16, 1995.

Purpose: Early Canada goose season.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-241.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Due to increasing agricultural damage complaints in southwest Washington, additional season days are needed to provide control of local Canada goose populations. Surveys indicate that the population is substantially above objective levels, and can sustain additional recreational harvest.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

August 21, 1995
Katherine Baros Friedt
Director

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 1, 1995.

August 16, 1995
E. Manary
for Mitch Johnson
Chairman

NEW SECTION

WAC 232-28-24100A Early September Canada goose season. Notwithstanding the provisions of WAC 232-28-241, the season dates for Canada goose hunting in the open area of the Canada Goose September Season shall be: September 1-15, 1995

WSR 95-17-079

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed August 21, 1995, 9:45 a.m., effective September 1, 1995]

Purpose: To incorporate legislation enacted during 1995 ordinary session and first special session into the model traffic ordinance.

Citation of Existing Rules Affected by this Order: Amending WAC 308-330-300, 308-330-307, 308-330-316, 308-330-330, 308-330-406, and 308-330-425.

Statutory Authority for Adoption: RCW 46.90.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To permit local law enforcement jurisdiction, who have adopted chapter 308-330 WAC as their local traffic ordinance, to begin enforcement of those traffic related bills enacted during the 1995 legislative session by September 1, 1995, as intended by the legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 6, repealed 0.

Effective Date of Rule: September 1, 1995.

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, ~~((and))~~ 46.12.380, and 46.12.— (section 1, chapter 256, Laws of 1995).

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

WAC 308-330-307 RCW sections adopted—Driver licenses-identcards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, ~~((46.20.309,))~~ 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, ~~((46.20.365,))~~ 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.500, 46.20.510, 46.20.550, ~~((and))~~ 46.20.750, and 46.20.— (section 3, chapter 332, Laws of 1995).

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590,

46.37.600, 46.37.610, ((and)) 46.37.620, and 46.37.— (section 1, chapter 360, Laws of 1995).

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-330 RCW sections adopted—Motor vehicle wreckers. The following section of the Revised Code of Washington (RCW) pertaining to motor vehicle wreckers as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.80.010 and 46.80.060.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators. The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.030, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, 46.55.240, ((and)) 46.55.910, and 46.55.— (section 2, chapter 360, Laws of 1995).

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.504, 46.61.506, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.527, 46.61.530, 46.61.535, 46.61.540, ((46.61.5051, 46.61.5052, 46.61.5053,)) 46.61.5054, 46.61.5057, ((and)) 46.61.5058, 46.20.309, and 46.61.— (section 5, chapter 332, Laws of 1995).



WSR 95-17-004
RULES COORDINATOR
ENVIRONMENTAL HEARINGS OFFICE

[Filed August 2, 1995, 2:03 p.m.]

As vice-chairperson of the Environmental Hearings Office, which houses the Pollution Controls Hearings Board and the Shorelines Hearings Board, I hereby designate Suzanne Skinner to be the rules coordinator for the anticipated revision of the procedural rules of both boards. The relevant information regarding Ms. Skinner's designation is as follows:

Suzanne Skinner
 Administrative Appeals Judge
 State of Washington
 Environmental Hearings Office
 4224 6th Avenue S.E.
 Building 2, RoweSix
 P.O. Box 40903
 Lacey, WA 98504-0903

James A. Tupper, Jr.
 Vice-Chairman

WSR 95-17-009
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—August 2, 1995]

The board of trustees has changed the regular board meeting that was scheduled to be held on August 22, 1995, 7:30 p.m., at Olympic College, District No. 3, Bremerton, Washington, to August 29, 1995.

WSR 95-17-010
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—August 4, 1995]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 17, 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 95-17-026
NOTICE OF PUBLIC MEETINGS
LEGAL FOUNDATION OF WASHINGTON
 [Memorandum—August 4, 1995]

The following meeting date has been scheduled by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

Monday, August 28, 1995
 Legal Foundation of Washington Board Meeting
 Logan Building
 3rd Floor Conference Room
 3 p.m. - 7 p.m.

500 Union Street
 Seattle, WA 98101

WSR 95-17-027
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—August 4, 1995]

The Public Information Access Policy Task Force (PIAPTF) will meet as listed below:

DATE: September 25, 1995
 TIME: 10:00 a.m. to 3:00 p.m.
 LOCATION: Senate Conference Room B & C
 John A. Cherberg Building
 Capitol Campus
 Olympia, Washington

DATE: October 26, 1995
 TIME: 10:00 a.m. to 3:00 p.m.
 LOCATION: Senate Conference Room B & C
 John A. Cherberg Building
 Capitol Campus
 Olympia, Washington

For additional information, please contact Cathy M. Stussy at (360) 753-2914.

WSR 95-17-037
WASHINGTON STATE AUDITOR
 [Filed August 9, 1995, 4:07 p.m.]

August 9, 1995

Citizens of the State of Washington:

Subject: State Investment Board Performance Audit

In consultation with the state's Legislative Budget Committee, we are conducting a performance audit of the State Investment Board. In planning what we need to focus on, I'm requesting your comments on the SIB's management practices and operations.

The Washington State Investment Board was created in 1981 to "...exercise all powers and perform all duties prescribed by law with respect to public trust and retirement funds." It has nine voting members and five non-voting members.

The Board is a public organization, operating as part of the Executive Branch of state government. As a state agency, Board members and staff comply with all statutory requirements and rules followed by other agencies, officials, and employees in the performance of their public duties. These responsibilities and requirements include, but are not limited to, financial management, contracting, procurement, personnel, public disclosure, public records, open public meetings, and ethical standards for state officers and state employees. The WSIB operated with the context of the prudent person rule and its fiduciary obligation.

Currently, the Board manages over \$28 billion in pension, Department of Labor and Industries', and other trust funds:

MISCELLANEOUS

Retirement Funds

The nine retirement or pension funds comprise the largest class of funds under the investment control of the Board. Approximately 77 percent of the total funds managed are retirement funds. The Board employs broad diversification of assets in the retirement fund to reduce risk.

Department of Labor and Industries' Trust Funds

There are four Department of Labor and Industries' trust funds or accident insurance funds. These funds are derived from insurance premiums paid by employers and employees throughout the state and are used to pay disability, medical, and death benefits to beneficiaries. Approximately 21 percent of the total funds managed by the Board are Labor and Industries' funds.

Permanent and Other Trust Funds

There are six permanent funds plus four other trust funds:

- Agricultural Permanent Fund
- Millersylvania Park Trust Fund
- Normal School Permanent Fund
- Permanent Common School Fund
- Scientific Permanent Fund
- State University Permanent Fund
- Game Special Wildlife Fund
- Self-Insurance Revolving Fund
- State Employees Insurance Reserve
- Radiation Perpetual Maintenance

The permanent funds are land grant funds whose earnings are dedicated to the capital development and maintenance of facilities and equipment at common schools and institutions of higher education. Approximately 2 percent of the total funds managed by the Board are permanent and other trust funds.

Your comments and suggestions for this performance audit are important and will help decide what we look at. Please send your comments and suggestions to me at the following address:

Brian Sonntag
State Auditor
"SIB Performance Audit"
PO Box 40021
Olympia, WA 98504-0021

Comments and suggestions may also be sent via Internet to shelerli@wln.com. **I need to receive your comments within three months of the date of this publication.**

You can make a difference! I look forward to hearing from you!

Sincerely,

BRIAN SONNTAG
STATE AUDITOR

WSR 95-17-044

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT**
[Memorandum—August 8, 1995]

The regular public meeting of the Commission on Judicial Conduct, previously scheduled for 11:00 a.m. on Friday, October 6, 1995, at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, Seattle, WA 98188, has been changed to 11:00 a.m., Friday, October 13, 1995, at the Sea-Tac Red Lion, 18740 Pacific Highway South, Seattle, WA 98188.

WSR 95-17-053

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY**
(Library Commission)
[Memorandum—August 4, 1995]

The Washington State Library Commission will hold the following meetings as listed below:

WSL COMMISSION BRIEFING MEETING

DATE: September 7, 1995
TIME: 6:30 p.m.
LOCATION: Vancouver, Washington

WSL COMMISSION QUARTERLY BUSINESS MEETING

DATE: September 8, 1995
TIME: 10:00 a.m.
LOCATION: Vancouver Community Library
"Library Hall"
1007 East Mill Plain Boulevard
Vancouver, WA 98663
(360) 695-1561

WSL COMMISSION WORKSHOP MEETING

DATE: November 3, 1995
TIME: 9:00 a.m.
LOCATION: Washington State Library
P.O. Box 42460
Olympia, WA 98504-2460
(360) 753-2914

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914.

WSR 95-17-054

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**
[Memorandum—August 15, 1995]

Board of Trustees Meeting
August 17, 1995
Sno-King Building
Room 103
(4:30 - 5:50)

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 95-17-055
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—August 14, 1995]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Washington Technology Center.

The board of directors of the Washington Technology Center is scheduled to meet at least quarterly according to statute. The following are the quarterly scheduled meetings for 1995/1996 beginning in September.

Thursday, September 7, 1995
 9 a.m. - 12:00
 First Floor Conference Room, Fluke Hall
 University of Washington
 Seattle, Washington

Thursday, December 7, 1995
 9 a.m. - 12:00
 First Floor Conference Room, Fluke Hall
 University of Washington
 Seattle, Washington

Thursday, March 7, 1996
 9 a.m. - 12:00
 First Floor Conference Room, Fluke Hall
 University of Washington
 Seattle, Washington

Thursday, June 6, 1996
 9 a.m. - 12:00
 First Floor Conference Room, Fluke Hall
 University of Washington
 Seattle, Washington

Contact person: Molly K. Corrigan, phone (206) 616-3102.

WSR 95-17-067
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—August 14, 1995]

MEETING NOTICE: September 20, 1995
 Best Western Hallmark Inn
 3000 West Marina Drive
 Moses Lake, WA 98837-2946
 8:00 a.m. - 4:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

WSR 95-17-069
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—August 14, 1995]

The Interagency Committee for Outdoor Recreation (IAC) will meet Monday, September 25 and Tuesday, September 26 beginning at 10:00 a.m.

At this meeting the IAC will consider Washington wildlife and recreation program (WWRP) funding requests and 2nd year project resubmittals. Additional planned agenda items include a presentation of the draft state comprehensive outdoor recreation plan (SCORP), budget and legislative updates, adoption of meeting 1996 meeting dates, and consideration of two project conversion requests (city of Royal City and city of Selah).

If you plan to participate or have materials for committee review, please submit information to IAC no later than September 5, 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 September 5, at (360) 902-3000, or TDD (360) 902-1996.

WSR 95-17-071
NOTICE OF PUBLIC MEETINGS
GREEN RIVER
COMMUNITY COLLEGE
 [Memorandum—August 15, 1995]

The board of trustees of Community College District No. 10 will not hold its regular meeting of September 21, 1995. Instead, the board will meet on Tuesday, September 19, 1995, beginning at 4:00 p.m., in the Administration Building Board Room at the Green River Community College campus.

WSR 95-17-085
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD
 [Memorandum—August 20, 1995]

The Washington State Noxious Weed Control Board September meeting place has been changed. The meeting will be held as follows:

September 20, 1995
 8:30 a.m. - 5:00 p.m.
 Grant County PUD Auditorium
 312 West Third Avenue
 Moses Lake, WA

The public is welcome to attend all meetings. Contact Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, (206) 872-2972, if you have any questions.

MISCELLANEOUS

WSR 95-17-102
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—August 21, 1995]

The September 1995 Washington State Transportation Commission meetings will be held at 11:00 a.m. on Wednesday, September 20, and 9:00 a.m. on Thursday, September 21, 1995, at the Yakima Valley Red Lion Inn, 1507 North First Street, Yakima, WA. There will be committee meetings at 9:00 a.m., Wednesday, September 20, at the Yakima Valley Red Lion Inn.

The October 1995 Washington State Transportation Commission meetings will be held at 11:00 a.m. on Wednesday, October 18, and 9:00 a.m. on Thursday, October 19, 1995, at the Spokane Airport Ramada Inn, Spokane, Washington. There will be committee meetings at 9:00 a.m., Wednesday, October 18, also at the Ramada Inn.

WSR 95-17-108
HEALTH CARE POLICY BOARD
[Filed August 23, 1995, 10:45 a.m.]

In the Matter of:)
) NOTICE OF HEARING
SPOKANE PHYSICIAN HOSPITAL)
COMMUNITY ORGANIZATION)

TO: Donald K. Querna, Randall & Danskin, P.S., 601 West Riverside, Suite 1500, Spokane, Washington 99201 - Counsel for Petitioner

Spokane Physician Hospital Community Organization has filed a petition to approve certain conduct pursuant to the provision of RCW 43.72.310. The Health Care Policy Board appoints Tom Hilyard, pursuant to the provision of WAC 245-02-165, to serve as the Presiding Officer in this matter. The hearing is scheduled for November 8, 1995, at 10 a.m. at the Office of the Attorney General (1116 West Riverside, Spokane, Washington) in the Large Conference Room.

By close of business October 17, 1995, Petitioner shall serve two copies of a Brief on the Presiding Officer that addresses, with specificity, the factors set forth in RCW 43.72.310(4). Respondent's Brief shall be served on the Petitioner and the Presiding Officer by close of business October 31, 1995.

To the extent Petitioner wishes to submit proposed findings of fact and/or conclusions of law, they must be submitted to the Presiding Officer by close of business November 9, 1995.

DATED this 23rd day of August, 1995.

BERNIE DOCHNAHL, Chair
Washington Health Care Policy Board

WASHINGTON HEALTH CARE POLICY BOARD
NOTICE OF PETITION TO APPROVE CERTAIN
CONDUCT-IN THE MATTER OF LEWIS-CLARK
VALLEY COMMUNITY HEALTH ORGANIZATION

Lewis-Clark Valley Community Health Organization has petitioned the Washington Health Care Policy Board to

approve certain conduct which could lessen competition in the relevant market, pursuant to the provision of RCW 43.72.310 and WAC 245-02-130 et seq. Consistent with the provision of WAC 245-02-131, the Health Care Policy Board is soliciting comments from the public on the petition.

The conduct that is the subject of the Petition can be generally described as follows.

Lewis-Clark Valley Community Health Organization is a Washington nonprofit mutual corporation. It has two classes of members. Class A members are physicians licensed to practice in Washington or Idaho who practice primarily in Asotin County, Washington, or Nez Perce County, Idaho. Class B members are licensed acute care hospitals located in Asotin and Nez Perce counties. Lewis-Clark Valley Community Health Organization will be nonexclusive and intends to promulgate antitrust guidelines to ensure its compliance with the antitrust laws. All licensed acute care hospitals and physicians in the two counties will be invited to join its provider panel.

Lewis-Clark Valley Community Health Organization will be a new provider network resulting from the collaboration of Tri-State Memorial Hospital, Inc., and the physicians of Clarkston, Washington, and Lewiston, Idaho. It will be controlled by a Board of Directors, a majority of whom are community members. The Organization will compete for health care contracts principally in Nez Perce and Asotin counties. It plans to network with similar organizations from other parts of Eastern Washington and Northern Idaho to provide health care services throughout the inland northwest region.

Written comments may be filed with Tom Hilyard, Washington Health Care Policy Board, P.O. Box 41185, Olympia, Washington 98504-1185, and must be received by October 13, 1995.

WSR 95-17-109
HEALTH CARE POLICY BOARD
[Filed August 23, 1995, 10:46 a.m.]

In the Matter of:)
) NOTICE OF HEARING
WHATCOM INTEGRATED DELIVERY)
SYSTEM)

TO: Douglas C. Ross, Esq., Davis Wright Tremaine, 2600 Century Square, 1502 Fourth Avenue, Seattle, Washington 98101 - Counsel for Petitioner

Whatcom Integrated Delivery System has filed a petition to approve certain conduct pursuant to the provision of RCW 43.72.310. The Health Care Policy Board appoints Tom Hilyard, pursuant to the provision of WAC 245-02-165, to serve as the Presiding Officer in this matter. The hearing is scheduled for November 22, 1995, at 10 a.m. at the Office of the Attorney General (103 East Holly Street #320, Bellingham, Washington).

By close of business October 31, 1995, Petitioner shall serve two copies of a Brief on the Presiding Officer that addresses, with specificity, the factors set forth in RCW 43.72.310(4). Respondent's Brief shall be served on the Petitioner and the Presiding Officer by close of business November 15, 1995.

MISCELLANEOUS

To the extent Petitioner wishes to submit proposed findings of fact and/or conclusions of law, they must be submitted to the Presiding Officer by close of business November 27, 1995.

DATED this 23 day of August, 1995.

BERNIE DOCHNAHL, Chair
Washington Health Care Policy Board

WASHINGTON HEALTH CARE POLICY BOARD
NOTICE OF PETITION TO APPROVE CERTAIN
CONDUCT-IN THE MATTER OF WHATCOM
INTEGRATED DELIVERY SYSTEM

Whatcom Integrated Delivery System has petitioned the Washington Health Care Policy Board to approve certain conduct which could lessen competition in the relevant market, pursuant to the provision of RCW 43.72.310 and WAC 245-02-130 *et seq.* Consistent with the provision of WAC 245-02-131, the Washington Health Care Policy Board is soliciting comments from the public on the petition.

The conduct that is the subject of the Petition can be generally described as follows.

Whatcom Integrated Delivery System is a Washington not-for-profit corporation. It is a physician-hospital organization with two classes of membership: hospital members (currently Sisters of St. Joseph's of Peace, Health and Hospital Services, now PeaceHealth) and physician members. The System will operate primarily in Whatcom County, Washington. Whatcom Integrated Delivery System will be a nonexclusive network and will promulgate antitrust guidelines to ensure compliance with the antitrust laws.

Written comments may be filed with Tom Hilyard, Presiding Officer, Washington Health Care Policy Board, P.O. Box 41185, Olympia, Washington 95804-1185, and must be received by November 17, 1995.

WSR 95-17-110
HEALTH CARE POLICY BOARD

[Filed August 23, 1995, 10:47 a.m.]

In the Matter of: }
LEWIS-CLARK VALLEY COMMUNITY } NOTICE OF HEARING
HEALTH ORGANIZATION }

TO: David A. Gittin, Pike & Gittins, P.O. Box 191,
Clarkston, Washington 99430, Counsel for Petitioner

Lewis-Clark Valley Community Health Organization has filed a petition to approve certain conduct pursuant to the provision of RCW 43.72.310. The Health Care Policy Board appoints Tom Hilyard, pursuant to the provision of WAC 245-02-165, to serve as the Presiding Officer in this matter. The hearing is scheduled for October 18, 1995, at 10 a.m. at the Office of the Attorney General (1116 West Riverside, Spokane, Washington) in the Large Conference Room.

By close of business September 26, 1995, Petitioner shall serve two copies of a Brief on the Presiding Officer that addresses, with specificity, the factors set forth in RCW 43.72.310(4). Respondent's Brief shall be served on the

Petitioner and the Presiding Officer by close of business October 6, 1995.

To the extent Petitioner wishes to submit proposed findings of fact and/or conclusions of law, they must be submitted to the Presiding Officer by close of business October 20, 1995.

DATED this 23 day of August, 1995.

BERNIE DOCHNAHL, Chair
Washington Health Care Policy Board

WASHINGTON HEALTH CARE POLICY BOARD
NOTICE OF PETITION TO APPROVE CERTAIN
CONDUCT-IN THE MATTER OF SPOKANE
PHYSICIAN HOSPITAL COMMUNITY
ORGANIZATION

Spokane Physician Hospital Community Organization has petitioned the Washington Health Care Policy Board to approve certain conduct which could lessen competition in the relevant market, pursuant to the provision of RCW 43.72.310 and WAC 245-02-130 *et seq.* Consistent with the provision of WAC 245-02-131, the Health Care Policy Board is soliciting comments from the public on the petition.

The conduct that is the subject of the Petition can be generally described as follows.

Spokane Physician Hospital Community Organization is a Washington not-for-profit corporation. It has two classes of membership. Class A members are physicians licensed to practice in Washington who have their practices principally in Spokane County, Washington. Class B members are hospitals (currently including Empire Health Centers Groups, a not-for-profit tax-exempt corporation; Sacred Heart Medical Center, a not-for-profit tax-exempt corporation; and Dominican Network, a not-for-profit tax-exempt corporation).

Spokane Physician Hospital Community Organization will be a new provider network resulting from the collaboration of Empire Health Centers Group, Sacred Heart Medical Center, Dominican Network, and the physicians of Spokane County, Washington. It will eventually be controlled by the community members of its Boards. All hospitals and physicians in and around Spokane County will be invited to join its nonexclusive provider panel. Spokane Physician Hospital Community Organization intends to promulgate antitrust guidelines for its members.

Spokane Physician Hospital Community Organization will compete for health care contracts principally in Spokane County, Washington. It plans to network with similar organizations from other parts of Eastern Washington and Northern Idaho to provide health care services throughout the inland northwest region.

Written comments may be filed with Tom Hilyard, Washington Health Care Policy Board, P.O. Box 41185, Olympia, Washington 98504-1185, and must be received by November 3, 1995.

MISCELLANEOUS

WSR 95-17-111
NOTICE OF PUBLIC MEETINGS
HEALTH CARE POLICY BOARD

[Memorandum—August 23, 1995]

The following is the schedule of the Washington Health Care Policy Board's regular meetings in 1995. All meetings will begin at 9:00 a.m. and will vary in length according to subject matter.

Meeting dates, times and locations are subject to change, due to unforeseen circumstances.

DAY/DATE	FACILITY ADDRESS
Tuesday, September 26, 1995	Valley Medical Center Auditorium, Medical Arts Center 4033 Talbot Road South Renton, WA
Monday, October 30, 1995	South C Ballroom Sheraton-Spokane Hotel 322 North Spokane Falls Court Spokane, WA
Wednesday, November 29, 1995	Snoqualmie Ballroom SeaTac Marriott 3201 South 176th SeaTac, WA
Thursday, December 21, 1995	Snoqualmie Ballroom SeaTac Marriott 3201 South 176th SeaTac, WA

Board staff meetings: During 1995 board staff meetings will be held weekly on Tuesday. All meetings will begin at 9:00 a.m., and will be held at the board office located at 605 Woodland Square Loop S.E., Lacey.

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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1-21	PREP	95-11-115	16-158-040	AMD-P	95-10-098	16-166-050	REP-P	95-10-100
1-21-010	AMD-P	95-14-044	16-158-040	AMD	95-13-072	16-166-050	REP	95-13-074
1-21-010	AMD	95-17-070	16-158-050	AMD-P	95-10-098	16-166-060	REP-P	95-10-100
1-21-020	AMD-P	95-14-044	16-158-050	AMD	95-13-072	16-166-060	REP	95-13-074
1-21-020	AMD	95-17-070	16-158-060	AMD-P	95-10-098	16-166-070	REP-P	95-10-100
1-21-040	AMD-P	95-14-044	16-158-070	REP-P	95-10-098	16-166-070	REP	95-13-074
1-21-040	AMD	95-17-070	16-158-070	REP	95-13-072	16-166-080	REP-P	95-10-100
1-21-050	AMD-P	95-14-044	16-158-080	AMD-P	95-10-098	16-166-080	REP	95-13-074
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1-21-170	AMD-P	95-14-044	16-158-090	AMD-P	95-10-098	16-166-090	REP	95-13-074
1-21-170	AMD	95-17-070	16-158-090	AMD	95-13-072	16-230-190	AMD-P	95-10-094
1-21-180	NEW-P	95-14-044	16-158-100	AMD-P	95-10-098	16-230-190	AMD	95-14-093
1-21-180	NEW	95-17-070	16-158-100	AMD	95-13-072	16-354-005	AMD-P	95-15-099
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16-08-002	AMD-P	95-15-100	16-158-120	AMD	95-13-072	16-354-070	AMD-P	95-15-099
16-08-021	AMD-P	95-15-100	16-158-130	AMD-P	95-10-098	16-414-010	AMD-P	95-09-038
16-54-030	AMD-E	95-15-077	16-158-130	AMD	95-13-072	16-414-010	AMD	95-13-038
16-101-700	AMD-W	95-04-036	16-158-150	NEW-P	95-10-098	16-414-015	NEW-P	95-09-038
16-101-700	AMD-P	95-10-020	16-158-150	NEW	95-13-072	16-414-015	NEW	95-13-038
16-101-700	AMD-W	95-11-082	16-164	PREP	95-07-017	16-414-020	AMD-P	95-09-038
16-144-001	AMD-E	95-10-049	16-164	AMD-P	95-10-099	16-414-020	AMD	95-13-038
16-144-001	AMD-P	95-12-084	16-164	AMD	95-13-073	16-414-030	AMD-P	95-09-038
16-144-001	AMD	95-16-062	16-164-010	AMD-P	95-10-099	16-414-030	AMD	95-13-038
16-144-015	NEW-E	95-10-049	16-164-010	AMD	95-13-073	16-414-085	NEW-P	95-09-038
16-144-145	NEW-P	95-12-084	16-164-020	AMD-P	95-10-099	16-414-085	NEW	95-13-038
16-144-145	NEW	95-16-062	16-164-020	AMD	95-13-073	16-414-090	AMD-P	95-09-038
16-144-146	NEW-P	95-12-084	16-164-030	AMD-P	95-10-099	16-414-090	AMD	95-13-038
16-144-146	NEW	95-16-062	16-164-030	AMD	95-13-073	16-414-095	NEW-P	95-09-038
16-144-147	NEW-P	95-12-084	16-164-035	NEW-P	95-10-099	16-414-095	NEW	95-13-038
16-144-147	NEW	95-16-062	16-164-035	NEW	95-13-073	16-461-010	AMD-P	95-09-038
16-144-148	NEW-P	95-12-084	16-164-040	AMD-P	95-10-099	16-461-010	AMD	95-13-038
16-144-148	NEW	95-16-062	16-164-040	AMD	95-13-073	16-493-001	NEW-P	95-15-097
16-144-149	NEW-P	95-12-084	16-164-060	AMD-P	95-10-099	16-493-001	NEW	95-17-098
16-144-149	NEW	95-16-062	16-164-060	AMD	95-13-073	16-493-005	NEW-P	95-15-097
16-144-150	NEW-P	95-12-084	16-164-070	AMD-P	95-10-099	16-493-005	NEW	95-17-098
16-144-150	NEW	95-16-062	16-164-070	AMD	95-13-073	16-493-010	NEW-P	95-15-097
16-144-151	NEW-P	95-12-084	16-164-080	AMD-P	95-10-099	16-493-010	NEW	95-17-098
16-144-151	NEW	95-16-062	16-164-080	AMD	95-13-073	16-493-015	NEW-P	95-15-097
16-158	PREP	95-07-015	16-164-090	AMD-P	95-10-099	16-493-015	NEW	95-17-098
16-158	AMD-P	95-10-098	16-164-090	AMD	95-13-073	16-493-020	NEW-P	95-15-097
16-158	AMD	95-13-072	16-164-100	AMD-P	95-10-099	16-493-020	NEW	95-17-098
16-158-010	AMD-P	95-10-098	16-164-100	AMD	95-13-073	16-493-025	NEW-P	95-15-097
16-158-010	AMD	95-13-072	16-166	PREP	95-07-016	16-493-025	NEW	95-17-098
16-158-020	AMD-P	95-10-098	16-166-010	REP-P	95-10-100	16-493-030	NEW-P	95-15-097
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16-158-030	AMD-P	95-10-098	16-166-040	REP-P	95-10-100	16-493-045	NEW-P	95-15-097
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16-495-205	NEW	95-14-034	16-675-029	REP-P	95-17-093	30-14-020	NEW-P	95-12-098
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16-495-210	NEW	95-14-034	16-675-030	AMD-W	95-11-071	30-14-030	NEW-P	95-12-098
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16-495-215	NEW	95-14-034	16-675-039	REP-P	95-09-089	30-14-040	NEW-P	95-12-098
16-495-220	NEW-P	95-11-118	16-675-039	REP-W	95-11-071	30-14-040	NEW	95-15-040
16-495-220	NEW	95-14-034	16-675-039	REP-P	95-17-093	30-14-050	NEW-P	95-12-098
16-495-225	NEW-P	95-11-118	16-675-040	AMD-P	95-09-089	30-14-050	NEW	95-15-040
16-495-225	NEW	95-14-034	16-675-040	AMD-W	95-11-071	30-14-060	NEW-P	95-12-098
16-495-230	NEW-P	95-11-118	16-675-040	AMD-P	95-17-093	30-14-060	NEW	95-15-040
16-495-230	NEW	95-14-034	16-700-011	NEW-P	95-12-091	30-14-070	NEW-P	95-12-098
16-495-235	NEW-P	95-11-118	16-700-011	NEW	95-15-101	30-14-070	NEW	95-15-040
16-495-235	NEW	95-14-034	16-750	PREP	95-13-089	30-14-080	NEW-P	95-12-098
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16-495-250	NEW	95-14-034	30-01-010	AMD	95-15-040	30-14-110	NEW-P	95-12-098
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16-529-150	PREP	95-17-114	30-01-040	AMD-P	95-12-098	30-16-020	REP	95-15-040
16-532-035	PREP	95-09-079	30-01-040	AMD	95-15-040	30-16-030	REP-P	95-12-098
16-532-035	AMD-P	95-10-095	30-01-050	AMD-P	95-12-098	30-16-030	REP	95-15-040
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16-532-040	AMD-P	95-10-095	30-01-060	AMD	95-15-040	30-16-050	REP-P	95-12-098
16-532-040	AMD	95-17-118	30-02-010	NEW-P	95-12-098	30-16-050	REP	95-15-040
16-532-101	PREP	95-09-079	30-02-010	NEW	95-15-040	30-16-060	REP-P	95-12-098
16-532-120	PREP	95-09-079	30-04-040	AMD-P	95-12-098	30-16-060	REP	95-15-040
16-532-120	AMD-P	95-10-095	30-04-040	AMD	95-15-040	30-16-070	REP-P	95-12-098
16-532-120	AMD	95-17-118	30-04-050	AMD-P	95-12-098	30-16-070	REP	95-15-040
16-536-020	PREP	95-08-005	30-04-050	AMD	95-15-040	30-16-080	REP-P	95-12-098
16-536-020	AMD-P	95-12-089	30-04-060	AMD-P	95-12-098	30-16-080	REP	95-15-040
16-536-020	AMD	95-17-117	30-04-060	AMD	95-15-040	30-16-090	REP-P	95-12-098
16-540-040	PREP	95-17-113	30-04-090	AMD-P	95-12-098	30-16-090	REP	95-15-040
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16-557-020	AMD	95-17-116	30-04-100	REP	95-15-040	30-16-110	REP-P	95-12-098
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16-580	AMD-C	95-17-115	30-04-110	REP	95-15-040	30-16-120	REP-P	95-12-098
16-580-020	AMD-P	95-10-096	30-08-030	AMD-P	95-12-098	30-16-120	REP	95-15-040
16-580-070	AMD-P	95-10-096	30-08-030	AMD	95-15-040	30-18-010	NEW-P	95-12-098
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16-585-030	NEW-P	95-05-071	30-12-020	REP-P	95-12-098	30-18-030	NEW	95-15-040
16-585-030	NEW	95-15-102	30-12-020	REP	95-15-040	30-18-040	NEW-P	95-12-098
16-585-040	NEW-P	95-05-071	30-12-030	AMD-P	95-12-098	30-18-040	NEW	95-15-040
16-585-040	NEW	95-15-102	30-12-030	AMD	95-15-040	30-18-050	NEW-P	95-12-098
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16-585-070	NEW-P	95-05-071	30-12-070	REP-P	95-12-098	30-18-070	NEW	95-15-040
16-585-070	NEW	95-15-102	30-12-070	REP	95-15-040	30-18-080	NEW-P	95-12-098
16-585-080	NEW-P	95-05-071	30-12-080	AMD-P	95-12-098	30-18-080	NEW	95-15-040
16-585-080	NEW	95-15-102	30-12-080	AMD	95-15-040	30-18-090	NEW-P	95-12-098
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16-585-090	NEW	95-15-102	30-12-090	AMD	95-15-040	30-18-100	NEW-P	95-12-098
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16-674-059	NEW-W	95-11-070	30-12-120	REP-P	95-12-098	30-18-110	NEW	95-15-040
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30-20-030	REP	95-15-040	30-26-090	NEW-P	95-12-098	30-44-050	AMD	95-15-040
30-20-040	REP-P	95-12-098	30-26-090	NEW	95-15-040	30-44-060	NEW-P	95-12-098
30-20-040	REP	95-15-040	30-28-010	REP-P	95-12-098	30-44-060	NEW	95-15-040
30-20-050	REP-P	95-12-098	30-28-010	REP	95-15-040	30-48-010	REP-P	95-12-098
30-20-050	REP	95-15-040	30-28-020	REP-P	95-12-098	30-48-010	REP	95-15-040
30-20-060	REP-P	95-12-098	30-28-020	REP	95-15-040	30-48-020	REP-P	95-12-098
30-20-060	REP	95-15-040	30-28-030	REP-P	95-12-098	30-48-020	REP	95-15-040
30-20-070	REP-P	95-12-098	30-28-030	REP	95-15-040	30-48-030	REP-P	95-12-098
30-20-070	REP	95-15-040	30-28-040	REP-P	95-12-098	30-48-030	REP	95-15-040
30-20-080	REP-P	95-12-098	30-28-040	REP	95-15-040	30-48-040	REP-P	95-12-098
30-20-080	REP	95-15-040	30-32-010	REP-P	95-12-098	30-48-040	REP	95-15-040
30-20-090	REP-P	95-12-098	30-32-010	REP	95-15-040	30-48-050	REP-P	95-12-098
30-20-090	REP	95-15-040	30-32-020	REP-P	95-12-098	30-48-050	REP	95-15-040
30-20-100	REP-P	95-12-098	30-32-020	REP	95-15-040	30-48-060	REP-P	95-12-098
30-20-100	REP	95-15-040	30-32-030	REP-P	95-12-098	30-48-060	REP	95-15-040
30-20-110	REP-P	95-12-098	30-32-030	REP	95-15-040	30-48-070	REP-P	95-12-098
30-20-110	REP	95-15-040	30-32-040	REP-P	95-12-098	30-48-070	REP	95-15-040
30-20-120	REP-P	95-12-098	30-32-040	REP	95-15-040	50-20	PREP	95-13-090
30-20-120	REP	95-15-040	30-32-050	REP-P	95-12-098	50-30	PREP	95-16-025
30-22-010	NEW-P	95-12-098	30-32-050	REP	95-15-040	50-60-010	AMD-P	95-05-084
30-22-010	NEW	95-15-040	30-32-060	REP-P	95-12-098	50-60-010	AMD	95-13-091
30-22-020	NEW-P	95-12-098	30-32-060	REP	95-15-040	50-60-020	AMD-P	95-05-084
30-22-020	NEW	95-15-040	30-32-070	REP-P	95-12-098	50-60-020	AMD	95-13-091
30-22-030	NEW-P	95-12-098	30-32-070	REP	95-15-040	50-60-030	AMD-P	95-05-084
30-22-030	NEW	95-15-040	30-32-080	REP-P	95-12-098	50-60-030	AMD	95-13-091
30-22-040	NEW-P	95-12-098	30-32-080	REP	95-15-040	50-60-035	NEW-P	95-05-084
30-22-040	NEW	95-15-040	30-36-010	REP-P	95-12-098	50-60-035	NEW	95-13-091
30-22-050	NEW-P	95-12-098	30-36-010	REP	95-15-040	50-60-040	AMD-P	95-05-084
30-22-050	NEW	95-15-040	30-36-020	REP-P	95-12-098	50-60-040	AMD	95-13-091
30-22-060	NEW-P	95-12-098	30-36-020	REP	95-15-040	50-60-042	NEW-P	95-05-084
30-22-060	NEW	95-15-040	30-36-030	REP-P	95-12-098	50-60-042	NEW	95-13-091
30-22-070	NEW-P	95-12-098	30-36-030	REP	95-15-040	50-60-045	AMD-P	95-05-084
30-22-070	NEW	95-15-040	30-36-040	REP-P	95-12-098	50-60-045	AMD	95-13-091
30-22-080	NEW-P	95-12-098	30-36-040	REP	95-15-040	50-60-050	AMD-P	95-05-084
30-22-080	NEW	95-15-040	30-36-050	REP-P	95-12-098	50-60-050	AMD	95-13-091
30-22-090	NEW-P	95-12-098	30-36-050	REP	95-15-040	50-60-060	AMD-P	95-05-084
30-22-090	NEW	95-15-040	30-36-060	REP-P	95-12-098	50-60-060	AMD	95-13-091
30-24-010	REP-P	95-12-098	30-36-060	REP	95-15-040	50-60-070	AMD-P	95-05-084
30-24-010	REP	95-15-040	30-36-070	REP-P	95-12-098	50-60-070	AMD	95-13-091
30-24-020	REP-P	95-12-098	30-36-070	REP	95-15-040	50-60-080	AMD-P	95-05-084
30-24-020	REP	95-15-040	30-36-080	REP-P	95-12-098	50-60-080	AMD	95-13-091
30-24-030	REP-P	95-12-098	30-36-080	REP	95-15-040	50-60-08001	NEW-P	95-05-084
30-24-030	REP	95-15-040	30-36-090	REP-P	95-12-098	50-60-08002	NEW-P	95-05-084
30-24-040	REP-P	95-12-098	30-36-090	REP	95-15-040	50-60-08003	NEW-P	95-05-084
30-24-040	REP	95-15-040	30-36-100	REP-P	95-12-098	50-60-08004	NEW-P	95-05-084
30-24-050	REP-P	95-12-098	30-36-100	REP	95-15-040	50-60-08005	NEW-P	95-05-084
30-24-050	REP	95-15-040	30-36-110	REP-P	95-12-098	50-60-08005	NEW	95-13-091
30-24-060	REP-P	95-12-098	30-36-110	REP	95-15-040	50-60-08006	NEW-P	95-05-084
30-24-060	REP	95-15-040	30-40-020	AMD-P	95-12-098	50-60-08007	NEW-P	95-05-084
30-24-070	REP-P	95-12-098	30-40-020	AMD	95-15-040	50-60-08008	NEW-P	95-05-084
30-24-070	REP	95-15-040	30-40-030	REP-P	95-12-098	50-60-08010	NEW	95-13-091
30-24-080	REP-P	95-12-098	30-40-030	REP	95-15-040	50-60-08015	NEW	95-13-091
30-24-080	REP	95-15-040	30-40-050	AMD-P	95-12-098	50-60-08020	NEW	95-13-091
30-24-090	REP-P	95-12-098	30-40-050	AMD	95-15-040	50-60-08025	NEW	95-13-091
30-24-090	REP	95-15-040	30-40-060	AMD-P	95-12-098	50-60-08030	NEW	95-13-091
30-24-100	REP-P	95-12-098	30-40-060	AMD	95-15-040	50-60-08035	NEW	95-13-091
30-24-100	REP	95-15-040	30-40-070	AMD-P	95-12-098	50-60-08040	NEW	95-13-091
30-26-010	NEW-P	95-12-098	30-40-070	AMD	95-15-040	50-60-09001	NEW-P	95-05-084
30-26-010	NEW	95-15-040	30-40-080	AMD-P	95-12-098	50-60-09002	NEW-P	95-05-084
30-26-020	NEW-P	95-12-098	30-40-080	AMD	95-15-040	50-60-09003	NEW-P	95-05-084
30-26-020	NEW	95-15-040	30-40-090	AMD-P	95-12-098	50-60-09004	NEW-P	95-05-084
30-26-030	NEW-P	95-12-098	30-40-090	AMD	95-15-040	50-60-09005	NEW	95-13-091
30-26-030	NEW	95-15-040	30-44	AMD-P	95-12-098	50-60-09010	NEW	95-13-091
30-26-040	NEW-P	95-12-098	30-44	AMD	95-15-040	50-60-09015	NEW	95-13-091
30-26-040	NEW	95-15-040	30-44-010	AMD-P	95-12-098	50-60-09020	NEW	95-13-091
30-26-050	NEW-P	95-12-098	30-44-010	AMD	95-15-040	50-60-100	AMD-P	95-05-084
30-26-050	NEW	95-15-040	30-44-020	AMD-P	95-12-098	50-60-100	AMD	95-13-091
30-26-060	NEW-P	95-12-098	30-44-020	AMD	95-15-040	50-60-110	AMD-P	95-05-084
30-26-060	NEW	95-15-040	30-44-030	AMD-P	95-12-098	50-60-110	AMD	95-13-091
30-26-070	NEW-P	95-12-098	30-44-030	AMD	95-15-040	50-60-120	AMD-P	95-05-084

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-60-120	AMD	95-13-091	51-20-0605	REP-P	95-04-106	51-20-3101	REP	95-11-107
50-60-125	NEW-P	95-05-084	51-20-0605	REP	95-11-107	51-20-3102	REP-P	95-04-106
50-60-125	NEW	95-13-091	51-20-0700	REP-P	95-04-106	51-20-3102	REP	95-11-107
50-60-130	AMD-P	95-05-084	51-20-0700	REP	95-11-107	51-20-3103	REP-P	95-04-106
50-60-130	AMD	95-13-091	51-20-0702	REP-P	95-04-106	51-20-3103	REP	95-11-107
50-60-140	AMD-P	95-05-084	51-20-0702	REP	95-11-107	51-20-3104	REP-P	95-04-106
50-60-140	AMD	95-13-091	51-20-0800	REP-P	95-04-106	51-20-3104	REP	95-11-107
50-60-145	NEW	95-13-091	51-20-0800	REP	95-11-107	51-20-3105	REP-P	95-04-106
50-60-150	AMD-P	95-05-084	51-20-0801	REP-P	95-04-106	51-20-3105	REP	95-11-107
50-60-150	AMD	95-13-091	51-20-0801	REP	95-11-107	51-20-3106	REP-P	95-04-106
50-60-160	AMD-P	95-05-084	51-20-0802	REP-P	95-04-106	51-20-3106	REP	95-11-107
50-60-160	AMD	95-13-091	51-20-0802	REP	95-11-107	51-20-3107	REP-P	95-04-106
50-60-165	AMD-P	95-05-084	51-20-0900	REP-P	95-04-106	51-20-3107	REP	95-11-107
50-60-165	AMD	95-13-091	51-20-0900	REP	95-11-107	51-20-3108	REP-P	95-04-106
50-60-180	REP-P	95-05-084	51-20-0901	REP-P	95-04-106	51-20-3108	REP	95-11-107
50-60-180	REP	95-13-091	51-20-0901	REP	95-11-107	51-20-3109	REP-P	95-04-106
50-60-190	NEW-P	95-05-084	51-20-0902	REP-P	95-04-106	51-20-3109	REP	95-11-107
50-60-190	NEW	95-13-091	51-20-0902	REP	95-11-107	51-20-3110	REP-P	95-04-106
50-60-200	NEW-P	95-05-084	51-20-1000	REP-P	95-04-106	51-20-3110	REP	95-11-107
50-60-200	NEW	95-13-091	51-20-1000	REP	95-11-107	51-20-3111	REP-P	95-04-106
50-60-210	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106	51-20-3111	REP	95-11-107
50-60-210	NEW	95-13-091	51-20-1011	REP	95-11-107	51-20-3112	REP-P	95-04-106
51-20	PREP	95-03-086	51-20-1200	REP-P	95-04-106	51-20-3112	REP	95-11-107
51-20-001	REP-P	95-04-106	51-20-1200	REP	95-11-107	51-20-3113	REP-P	95-04-106
51-20-001	REP	95-11-107	51-20-1201	REP-P	95-04-106	51-20-3113	REP	95-11-107
51-20-002	REP-P	95-04-106	51-20-1201	REP	95-11-107	51-20-3114	REP-P	95-04-106
51-20-002	REP	95-11-107	51-20-1210	REP-P	95-04-106	51-20-3114	REP	95-11-107
51-20-003	REP-P	95-04-106	51-20-1210	REP	95-11-107	51-20-3151	REP-P	95-04-106
51-20-003	REP	95-11-107	51-20-1215	REP-P	95-04-106	51-20-3151	REP	95-11-107
51-20-004	REP-P	95-04-106	51-20-1215	REP	95-11-107	51-20-3152	REP-P	95-04-106
51-20-004	REP	95-11-107	51-20-1223	REP-P	95-04-106	51-20-3152	REP	95-11-107
51-20-005	REP-P	95-04-106	51-20-1223	REP	95-11-107	51-20-3153	REP-P	95-04-106
51-20-005	REP	95-11-107	51-20-1224	REP-P	95-04-106	51-20-3153	REP	95-11-107
51-20-007	REP-P	95-04-106	51-20-1224	REP	95-11-107	51-20-3154	REP-P	95-04-106
51-20-007	REP	95-11-107	51-20-1225	REP-P	95-04-106	51-20-3154	REP	95-11-107
51-20-008	REP-P	95-04-106	51-20-1225	REP	95-11-107	51-20-3155	REP-P	95-04-106
51-20-008	REP	95-11-107	51-20-1226	REP-P	95-04-106	51-20-3155	REP	95-11-107
51-20-009	REP-P	95-04-106	51-20-1226	REP	95-11-107	51-20-3156	REP-P	95-04-106
51-20-009	REP	95-11-107	51-20-1227	REP-P	95-04-106	51-20-3156	REP	95-11-107
51-20-0100	REP-P	95-04-106	51-20-1227	REP	95-11-107	51-20-3300	REP-P	95-04-106
51-20-0100	REP	95-11-107	51-20-1228	REP-P	95-04-106	51-20-3300	REP	95-11-107
51-20-0104	REP-P	95-04-106	51-20-1228	REP	95-11-107	51-20-3304	REP-P	95-04-106
51-20-0104	REP	95-11-107	51-20-1229	REP-P	95-04-106	51-20-3304	REP	95-11-107
51-20-0300	REP-P	95-04-106	51-20-1229	REP	95-11-107	51-20-3306	REP-P	95-04-106
51-20-0300	REP	95-11-107	51-20-1230	REP-P	95-04-106	51-20-3306	REP	95-11-107
51-20-0307	REP-P	95-04-106	51-20-1230	REP	95-11-107	51-20-3315	REP-P	95-04-106
51-20-0307	REP	95-11-107	51-20-1231	REP-P	95-04-106	51-20-3315	REP	95-11-107
51-20-0400	REP-P	95-04-106	51-20-1231	REP	95-11-107	51-20-3350	REP-P	95-04-106
51-20-0400	REP	95-11-107	51-20-1232	REP-P	95-04-106	51-20-3350	REP	95-11-107
51-20-0404	REP-P	95-04-106	51-20-1232	REP	95-11-107	51-20-3800	REP-P	95-04-106
51-20-0404	REP	95-11-107	51-20-1233	REP-P	95-04-106	51-20-3800	REP	95-11-107
51-20-0407	REP-P	95-04-106	51-20-1233	REP	95-11-107	51-20-3801	REP-P	95-04-106
51-20-0407	REP	95-11-107	51-20-1234	REP-P	95-04-106	51-20-3801	REP	95-11-107
51-20-0409	REP-P	95-04-106	51-20-1234	REP	95-11-107	51-20-3802	REP-P	95-04-106
51-20-0409	REP	95-11-107	51-20-1800	REP-P	95-04-106	51-20-3802	REP	95-11-107
51-20-0414	REP-P	95-04-106	51-20-1800	REP	95-11-107	51-20-3900	REP-P	95-04-106
51-20-0414	REP	95-11-107	51-20-1807	REP-P	95-04-106	51-20-3900	REP	95-11-107
51-20-0417	REP-P	95-04-106	51-20-1807	REP	95-11-107	51-20-3901	REP-P	95-04-106
51-20-0417	REP	95-11-107	51-20-2300	REP-P	95-04-106	51-20-3901	REP	95-11-107
51-20-0420	REP-P	95-04-106	51-20-2300	REP	95-11-107	51-20-3903	REP-P	95-04-106
51-20-0420	REP	95-11-107	51-20-2312	REP-P	95-04-106	51-20-3903	REP	95-11-107
51-20-0500	REP-P	95-04-106	51-20-2312	REP	95-11-107	51-20-5100	REP-P	95-04-106
51-20-0500	REP	95-11-107	51-20-2700	REP-P	95-04-106	51-20-5100	REP	95-11-107
51-20-0503	REP-P	95-04-106	51-20-2700	REP	95-11-107	51-20-5103	REP-P	95-04-106
51-20-0503	REP	95-11-107	51-20-2710	REP-P	95-04-106	51-20-5103	REP	95-11-107
51-20-0514	REP-P	95-04-106	51-20-2710	REP	95-11-107	51-20-5105	REP-P	95-04-106
51-20-0514	REP	95-11-107	51-20-3000	REP-P	95-04-106	51-20-5105	REP	95-11-107
51-20-0515	REP-P	95-04-106	51-20-3000	REP	95-11-107	51-20-5400	REP-P	95-04-106
51-20-0515	REP	95-11-107	51-20-3007	REP-P	95-04-106	51-20-5400	REP	95-11-107
51-20-0551	REP-P	95-04-106	51-20-3007	REP	95-11-107	51-20-5401	REP-P	95-04-106
51-20-0551	REP	95-11-107	51-20-3100	REP-P	95-04-106	51-20-5401	REP	95-11-107
51-20-0600	REP-P	95-04-106	51-20-3100	REP	95-11-107	51-20-93100	REP-P	95-04-106
51-20-0600	REP	95-11-107	51-20-3101	REP-P	95-04-106	51-20-93100	REP	95-11-107

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-20-93115	REP-P	95-04-106	51-22-1903	REP	95-11-107	51-24-80120	REP	95-11-107
51-20-93115	REP	95-11-107	51-24	PREP	95-03-086	51-24-80202	REP-P	95-04-106
51-20-93116	REP-P	95-04-106	51-24-001	REP-P	95-04-106	51-24-80202	REP	95-11-107
51-20-93116	REP	95-11-107	51-24-001	REP	95-11-107	51-24-80301	REP-P	95-04-106
51-20-93117	REP-P	95-04-106	51-24-002	REP-P	95-04-106	51-24-80301	REP	95-11-107
51-20-93117	REP	95-11-107	51-24-002	REP	95-11-107	51-24-80303	REP-P	95-04-106
51-20-93118	REP-P	95-04-106	51-24-003	REP-P	95-04-106	51-24-80303	REP	95-11-107
51-20-93118	REP	95-11-107	51-24-003	REP	95-11-107	51-24-80305	REP-P	95-04-106
51-20-93119	REP-P	95-04-106	51-24-007	REP-P	95-04-106	51-24-80305	REP	95-11-107
51-20-93119	REP	95-11-107	51-24-007	REP	95-11-107	51-24-80305	REP-P	95-04-106
51-20-93120	REP-P	95-04-106	51-24-008	REP-P	95-04-106	51-24-80315	REP-P	95-04-106
51-20-93120	REP	95-11-107	51-24-008	REP	95-11-107	51-24-80315	REP	95-11-107
51-21	PREP	95-03-086	51-24-008	REP	95-11-107	51-24-80401	REP-P	95-04-106
51-21-001	REP-P	95-04-106	51-24-04000	REP-P	95-04-106	51-24-80401	REP	95-11-107
51-21-001	REP	95-11-107	51-24-04000	REP	95-11-107	51-24-80402	REP-P	95-04-106
51-21-002	REP-P	95-04-106	51-24-04123	REP-P	95-04-106	51-24-80402	REP	95-11-107
51-21-002	REP	95-11-107	51-24-04123	REP	95-11-107	51-24-99500	REP-P	95-04-106
51-21-003	REP-P	95-04-106	51-24-09000	REP-P	95-04-106	51-24-99500	REP	95-11-107
51-21-003	REP	95-11-107	51-24-09000	REP	95-11-107	51-24-99510	REP-P	95-04-106
51-21-007	REP-P	95-04-106	51-24-09105	REP-P	95-04-106	51-24-99510	REP	95-11-107
51-21-007	REP	95-11-107	51-24-09105	REP	95-11-107	51-25	PREP	95-03-086
51-21-008	REP-P	95-04-106	51-24-09107	REP-P	95-04-106	51-25-001	REP-P	95-04-106
51-21-008	REP	95-11-107	51-24-09107	REP	95-11-107	51-25-001	REP	95-11-107
51-21-31010	REP-P	95-04-106	51-24-09110	REP-P	95-04-106	51-25-002	REP-P	95-04-106
51-21-31010	REP	95-11-107	51-24-09110	REP	95-11-107	51-25-002	REP	95-11-107
51-21-38030	REP-P	95-04-106	51-24-09117	REP-P	95-04-106	51-25-003	REP-P	95-04-106
51-21-38030	REP	95-11-107	51-24-09117	REP	95-11-107	51-25-003	REP	95-11-107
51-21-38038	REP-P	95-04-106	51-24-10000	REP-P	95-04-106	51-25-007	REP-P	95-04-106
51-21-38038	REP	95-11-107	51-24-10000	REP	95-11-107	51-25-007	REP	95-11-107
51-21-38039	REP-P	95-04-106	51-24-10201	REP-P	95-04-106	51-25-008	REP-P	95-04-106
51-21-38039	REP	95-11-107	51-24-10201	REP	95-11-107	51-25-008	REP	95-11-107
51-22	PREP	95-03-086	51-24-10507	REP-P	95-04-106	51-30-0311	NEW-W	95-05-055
51-22-001	REP-P	95-04-106	51-24-10507	REP	95-11-107	51-30-0417	NEW-W	95-05-055
51-22-001	REP	95-11-107	51-24-25000	REP-P	95-04-106	51-30-0502	NEW-W	95-05-055
51-22-002	REP-P	95-04-106	51-24-25000	REP	95-11-107	51-30-3102	NEW-P	95-16-125
51-22-002	REP	95-11-107	51-24-25107	REP-P	95-04-106	51-30-31200	NEW-P	95-16-125
51-22-003	REP-P	95-04-106	51-24-25107	REP	95-11-107	51-30-31201	NEW-P	95-16-125
51-22-003	REP	95-11-107	51-24-45000	REP-P	95-04-106	51-30-31202	NEW-P	95-16-125
51-22-004	REP-P	95-04-106	51-24-45000	REP	95-11-107	51-30-31203	NEW-P	95-16-125
51-22-004	REP	95-11-107	51-24-45211	REP-P	95-04-106	51-30-31204	NEW-P	95-16-125
51-22-005	REP-P	95-04-106	51-24-45211	REP	95-11-107	51-30-31205	NEW-P	95-16-125
51-22-005	REP	95-11-107	51-24-78000	REP-P	95-04-106	51-30-31206	NEW-P	95-16-125
51-22-007	REP-P	95-04-106	51-24-78000	REP	95-11-107	51-30-31207	NEW-P	95-16-125
51-22-007	REP	95-11-107	51-24-78201	REP-P	95-04-106	51-30-31208	NEW-P	95-16-125
51-22-008	REP-P	95-04-106	51-24-78201	REP	95-11-107	51-30-31209	NEW-P	95-16-125
51-22-008	REP	95-11-107	51-24-79000	REP-P	95-04-106	51-30-31210	NEW-P	95-16-125
51-22-0400	REP-P	95-04-106	51-24-79000	REP	95-11-107	51-34-7901	NEW-W	95-05-054
51-22-0400	REP	95-11-107	51-24-79601	REP-P	95-04-106	51-35-09000	NEW-W	95-05-054
51-22-0423	REP-P	95-04-106	51-24-79601	REP	95-11-107	51-35-52404	NEW-W	95-05-054
51-22-0423	REP	95-11-107	51-24-79603	REP-P	95-04-106	51-35-52411	NEW-W	95-05-054
51-22-0500	REP-P	95-04-106	51-24-79603	REP	95-11-107	51-35-52417	NEW-W	95-05-054
51-22-0500	REP	95-11-107	51-24-79809	REP-P	95-04-106	51-35-52501	NEW-W	95-05-054
51-22-0504	REP-P	95-04-106	51-24-79809	REP	95-11-107	51-35-52502	NEW-W	95-05-054
51-22-0504	REP	95-11-107	51-24-79901	REP-P	95-04-106	51-35-52503	NEW-W	95-05-054
51-22-0800	REP-P	95-04-106	51-24-79901	REP	95-11-107	51-35-52504	NEW-W	95-05-054
51-22-0800	REP	95-11-107	51-24-80000	REP-P	95-04-106	51-35-52505	NEW-W	95-05-054
51-22-0807	REP-P	95-04-106	51-24-80000	REP	95-11-107	51-35-52506	NEW-W	95-05-054
51-22-0807	REP	95-11-107	51-24-80101	REP-P	95-04-106	51-35-52507	NEW-W	95-05-054
51-22-1000	REP-P	95-04-106	51-24-80101	REP	95-11-107	51-35-52508	NEW-W	95-05-054
51-22-1000	REP	95-11-107	51-24-80103	REP-P	95-04-106	51-35-52509	NEW-W	95-05-054
51-22-1002	REP-P	95-04-106	51-24-80103	REP	95-11-107	55-01	PREP	95-04-058
51-22-1002	REP	95-11-107	51-24-80108	REP-P	95-04-106	55-01-010	AMD-E	95-04-075
51-22-1100	REP-P	95-04-106	51-24-80108	REP	95-11-107	55-01-010	AMD-E	95-12-016
51-22-1100	REP	95-11-107	51-24-80109	REP-P	95-04-106	55-01-020	AMD-E	95-04-075
51-22-1104	REP-P	95-04-106	51-24-80109	REP	95-11-107	55-01-020	AMD-E	95-12-016
51-22-1104	REP	95-11-107	51-24-80110	REP-P	95-04-106	55-01-030	AMD-E	95-04-075
51-22-1500	REP-P	95-04-106	51-24-80110	REP	95-11-107	55-01-030	AMD-E	95-12-016
51-22-1500	REP	95-11-107	51-24-80111	REP-P	95-04-106	55-01-040	AMD-E	95-04-075
51-22-1508	REP-P	95-04-106	51-24-80111	REP	95-11-107	55-01-040	AMD-E	95-12-016
51-22-1508	REP	95-11-107	51-24-80113	REP-P	95-04-106	55-01-050	AMD-E	95-04-075
51-22-1900	REP-P	95-04-106	51-24-80113	REP	95-11-107	55-01-050	AMD-E	95-12-016
51-22-1900	REP	95-11-107	51-24-80114	REP-P	95-04-106	55-01-060	AMD-E	95-04-075
51-22-1903	REP-P	95-04-106	51-24-80114	REP	95-11-107	55-01-060	AMD-E	95-12-016
			51-24-80120	REP-P	95-04-106	55-01-070	AMD-E	95-04-075

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60-12-010	AMD-P	95-06-085	67-35-030	AMD-P	95-05-040	131-28-040	AMD-P	95-10-090
60-12-010	AMD	95-10-097	67-35-030	AMD	95-12-007	131-28-040	AMD	95-13-070
67-25-005	AMD	95-06-057	67-35-210	PREP	95-04-012	131-28-045	AMD-E	95-07-004
67-25-010	AMD	95-06-057	67-35-210	AMD-P	95-05-040	131-28-045	PREP	95-10-088
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67-25-050	AMD	95-06-057	67-35-220	PREP	95-04-012	131-28-080	AMD-P	95-10-090
67-25-055	AMD	95-06-057	67-35-220	AMD-P	95-05-040	131-28-080	AMD	95-13-070
67-25-056	NEW	95-06-057	67-35-220	AMD	95-12-007	131-28-085	AMD-E	95-07-004
67-25-070	AMD	95-06-057	67-35-230	PREP	95-04-012	131-28-085	PREP	95-10-088
67-25-075	AMD	95-06-057	67-35-230	AMD-P	95-05-040	131-28-085	AMD-P	95-10-090
67-25-077	AMD	95-06-057	67-35-230	AMD	95-12-007	131-28-085	AMD	95-13-070
67-25-080	AMD	95-06-057	67-35-350	PREP	95-04-012	131-28-090	AMD-E	95-07-004
67-25-085	AMD	95-06-057	67-35-350	REP-P	95-05-040	131-28-090	PREP	95-10-088
67-25-090	AMD	95-06-057	67-35-350	REP	95-12-007	131-28-090	AMD-P	95-10-090
67-25-095	AMD	95-06-057	67-35-360	PREP	95-04-012	131-28-090	AMD	95-13-070
67-25-100	AMD	95-06-057	67-35-360	AMD-P	95-05-040	131-46-135	NEW-P	95-06-054
67-25-105	REP	95-06-057	67-35-360	AMD	95-12-007	131-46-135	NEW	95-10-013
67-25-110	AMD	95-06-057	67-35-430	PREP	95-04-012	132D-300	PREP	95-16-050
67-25-120	REP	95-06-057	67-35-430	AMD-P	95-05-040	132D-300-005	PREP	95-16-050
67-25-255	AMD	95-06-057	67-35-430	AMD	95-12-007	132G-126-010	REP-P	95-04-008
67-25-257	AMD	95-06-057	82-50-021	AMD-P	95-11-116	132G-126-010	REP	95-07-103
67-25-260	AMD	95-06-057	82-50-021	AMD	95-15-031	132G-126-020	REP-P	95-04-008
67-25-270	AMD	95-06-057	130-10	PREP	95-06-051A	132G-126-020	REP	95-07-103
67-25-275	AMD	95-06-057	131-12-010	AMD-E	95-10-012	132G-126-030	REP-P	95-04-008
67-25-280	AMD	95-06-057	131-12-010	PREP	95-10-017	132G-126-030	REP	95-07-103
67-25-281	REP	95-06-057	131-12-010	AMD-P	95-10-018	132G-126-040	REP-P	95-04-008
67-25-284	NEW	95-06-057	131-12-010	AMD-C	95-13-005	132G-126-040	REP	95-07-103
67-25-288	NEW	95-06-057	131-12-010	AMD	95-13-068	132G-126-050	REP-P	95-04-008
67-25-300	AMD	95-06-057	131-16-005	PREP	95-05-026	132G-126-050	REP	95-07-103
67-25-325	AMD	95-06-057	131-16-005	REP-P	95-06-064	132G-126-060	REP-P	95-04-008
67-25-326	AMD	95-06-057	131-16-005	REP	95-10-014	132G-126-060	REP	95-07-103
67-25-350	AMD	95-06-057	131-16-056	PREP	95-10-087	132G-126-070	REP-P	95-04-008
67-25-360	AMD	95-06-057	131-16-056	NEW-P	95-10-089	132G-126-070	REP	95-07-103
67-25-380	AMD	95-06-057	131-16-056	NEW-C	95-13-006	132G-126-080	REP-P	95-04-008
67-25-384	AMD	95-06-057	131-16-056	NEW	95-13-069	132G-126-080	REP	95-07-103
67-25-385	REP	95-06-057	131-28	AMD-C	95-13-007	132G-126-200	REP-P	95-04-008
67-25-388	AMD	95-06-057	131-28-010	AMD-E	95-07-004	132G-126-200	REP	95-07-103
67-25-390	AMD	95-06-057	131-28-010	PREP	95-10-088	132G-126-210	REP-P	95-04-008
67-25-392	REP	95-06-057	131-28-010	AMD-P	95-10-090	132G-126-210	REP	95-07-103
67-25-394	AMD	95-06-057	131-28-010	AMD	95-13-070	132G-126-220	REP-P	95-04-008
67-25-396	AMD	95-06-057	131-28-015	AMD-E	95-07-004	132G-126-220	REP	95-07-103
67-25-398	NEW	95-06-057	131-28-015	PREP	95-10-088	132G-126-230	REP-P	95-04-008
67-25-399	NEW	95-06-057	131-28-015	AMD-P	95-10-090	132G-126-230	REP	95-07-103
67-25-400	AMD	95-06-057	131-28-015	AMD	95-13-070	132G-126-240	REP-P	95-04-008
67-25-404	AMD	95-06-057	131-28-021	AMD-E	95-07-004	132G-126-240	REP	95-07-103
67-25-408	AMD	95-06-057	131-28-021	PREP	95-10-088	132G-126-250	REP-P	95-04-008
67-25-412	AMD	95-06-057	131-28-021	AMD-P	95-10-090	132G-126-250	REP	95-07-103
67-25-416	AMD	95-06-057	131-28-021	AMD	95-13-070	132G-126-260	REP-P	95-04-008
67-25-418	NEW	95-06-057	131-28-025	AMD-E	95-07-004	132G-126-260	REP	95-07-103
67-25-420	REP	95-06-057	131-28-025	PREP	95-10-088	132G-126-270	REP-P	95-04-008
67-25-428	REP	95-06-057	131-28-025	AMD-P	95-10-090	132G-126-270	REP	95-07-103
67-25-432	AMD	95-06-057	131-28-025	AMD	95-13-070	132G-126-280	REP-P	95-04-008
67-25-436	NEW	95-06-057	131-28-02501	NEW-E	95-07-004	132G-126-280	REP	95-07-103
67-25-440	AMD	95-06-057	131-28-02501	PREP	95-10-088	132G-126-290	REP-P	95-04-008
67-25-444	AMD	95-06-057	131-28-02501	NEW-P	95-10-090	132G-126-290	REP	95-07-103
67-25-446	AMD	95-06-057	131-28-02501	NEW	95-13-070	132G-126-300	REP-P	95-04-008
67-25-448	AMD	95-06-057	131-28-026	AMD-E	95-07-004	132G-126-300	REP	95-07-103
67-25-452	AMD	95-06-057	131-28-026	PREP	95-10-088	132G-126-310	REP-P	95-04-008
67-25-500	REP	95-06-057	131-28-026	AMD-P	95-10-090	132G-126-310	REP	95-07-103
67-25-505	REP	95-06-057	131-28-026	AMD	95-13-070	132G-126-320	REP-P	95-04-008
67-25-510	REP	95-06-057	131-28-028	REP-E	95-07-004	132G-126-320	REP	95-07-103
67-25-525	REP	95-06-057	131-28-028	PREP	95-10-088	132G-126-330	REP-P	95-04-008
67-25-530	REP	95-06-057	131-28-028	REP-P	95-10-090	132G-126-330	REP	95-07-103
67-25-540	AMD	95-06-057	131-28-028	REP	95-13-070	132G-126-340	REP-P	95-04-008
67-25-545	AMD	95-06-057	131-28-030	AMD-E	95-07-004	132G-126-340	REP	95-07-103
67-25-550	AMD	95-06-057	131-28-030	PREP	95-10-088	132G-126-350	REP-P	95-04-008
67-25-560	AMD	95-06-057	131-28-030	AMD-P	95-10-090	132G-126-350	REP	95-07-103
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132G-126-370	REP	95-07-103	132Q-04-097	NEW	95-03-060	137-28-220	NEW	95-15-044
132G-126-380	REP-P	95-04-008	133-10-010	PREP	95-12-079	137-28-230	NEW	95-15-044
132G-126-380	REP	95-07-103	133-10-010	AMD-P	95-13-075	137-28-240	NEW	95-15-044
132G-126-390	REP-P	95-04-008	133-10-020	PREP	95-12-079	137-28-250	NEW	95-15-044
132G-126-390	REP	95-07-103	133-10-020	AMD-P	95-13-075	137-28-260	NEW	95-15-044
132G-126-400	REP-P	95-04-008	133-10-030	AMD-P	95-13-075	137-28-270	NEW	95-15-044
132G-126-400	REP	95-07-103	133-20-010	PREP	95-12-080	137-28-280	NEW	95-15-044
132G-160-075	PREP	95-15-016	133-20-010	AMD-P	95-13-078	137-28-290	NEW	95-15-044
132H-121-020	NEW-P	95-14-069	133-20-020	PREP	95-12-080	137-28-300	NEW	95-15-044
132H-160-052	NEW-P	95-14-070	133-20-020	AMD-P	95-13-078	137-28-310	NEW	95-15-044
132H-160-093	REP-P	95-14-070	133-20-040	PREP	95-12-080	137-28-320	NEW	95-15-044
132H-160-094	REP-P	95-14-070	133-20-040	AMD-P	95-13-078	137-28-330	NEW	95-15-044
132H-160-095	REP-P	95-14-070	133-20-060	PREP	95-12-080	137-28-340	NEW	95-15-044
132H-160-182	AMD-E	95-11-098	133-20-060	AMD-P	95-13-078	137-28-350	NEW	95-15-044
132H-160-182	PREP	95-14-068	133-20-100	AMD-P	95-13-078	137-28-360	NEW	95-15-044
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132I-130-030	NEW-P	95-06-083	133-20-120	AMD-P	95-13-078	137-28-380	NEW	95-15-044
132I-130-030	NEW	95-09-072	133-30	PREP	95-12-081	137-28-390	NEW	95-15-044
132I-160	PREP	95-10-021	133-30-010	REP-P	95-13-077	137-28-400	NEW	95-15-044
132I-160-110	AMD-P	95-11-102	133-30-020	REP-P	95-13-077	137-28-410	NEW	95-15-044
132I-160-110	AMD	95-15-026	133-30-030	REP-P	95-13-077	137-28-420	NEW	95-15-044
132K-120	PREP	95-11-136	133-30-040	REP-P	95-13-077	137-28-430	NEW	95-15-044
132K-120-005	REP-P	95-12-103	133-30-050	REP-P	95-13-077	139-10-210	AMD-P	95-04-068
132K-120-005	REP	95-17-073	133-30-060	REP-P	95-13-077	139-10-210	AMD	95-08-036
132K-120-010	REP-P	95-12-103	133-30-070	REP-P	95-13-077	139-10-210	AMD	95-09-070
132K-120-010	REP	95-17-073	133-30-080	REP-P	95-13-077	173-06-010	REP-P	95-03-081
132K-120-015	REP-P	95-12-103	133-40-010	PREP	95-12-082	173-06-010	REP	95-07-058
132K-120-015	REP	95-17-073	133-40-010	AMD-P	95-13-076	173-06-020	REP-P	95-03-081
132K-120-020	REP-P	95-12-103	133-40-020	PREP	95-12-082	173-06-020	REP	95-07-058
132K-120-020	REP	95-17-073	133-40-020	AMD-P	95-13-076	173-06-030	REP-P	95-03-081
132K-120-025	REP-P	95-12-103	133-40-030	PREP	95-12-082	173-06-030	REP	95-07-058
132K-120-025	REP	95-17-073	133-40-030	AMD-P	95-13-076	173-06-040	REP-P	95-03-081
132K-120-030	REP-P	95-12-103	133-40-040	PREP	95-12-082	173-06-040	REP	95-07-058
132K-120-030	REP	95-17-073	133-40-040	AMD-P	95-13-076	173-06-100	NEW-P	95-03-081
132K-120-035	REP-P	95-12-103	137-28-005	REP	95-15-044	173-06-100	NEW	95-07-058
132K-120-035	REP	95-17-073	137-28-006	REP	95-15-044	173-06-110	NEW-P	95-03-081
132K-120-040	REP-P	95-12-103	137-28-010	REP	95-15-044	173-06-110	NEW	95-07-058
132K-120-040	REP	95-17-073	137-28-015	REP	95-15-044	173-06-120	NEW-P	95-03-081
132K-120-045	REP-P	95-12-103	137-28-020	REP	95-15-044	173-06-120	NEW	95-07-058
132K-120-045	REP	95-17-073	137-28-025	REP	95-15-044	173-06-130	NEW-P	95-03-081
132K-120-050	REP-P	95-12-103	137-28-030	REP	95-15-044	173-06-130	NEW	95-07-058
132K-120-050	REP	95-17-073	137-28-031	REP	95-15-044	173-12	PREP	95-03-080
132K-120-055	REP-P	95-12-103	137-28-032	REP	95-15-044	173-12-010	REP-P	95-05-065
132K-120-055	REP	95-17-073	137-28-035	REP	95-15-044	173-12-010	REP	95-09-036
132K-120-060	REP-P	95-12-103	137-28-040	REP	95-15-044	173-12-020	REP-P	95-05-065
132K-120-060	REP	95-17-073	137-28-045	REP	95-15-044	173-12-020	REP	95-09-036
132K-120-065	REP-P	95-12-103	137-28-050	REP	95-15-044	173-12-030	REP-P	95-05-065
132K-120-065	REP	95-17-073	137-28-055	REP	95-15-044	173-12-030	REP	95-09-036
132K-120-070	REP-P	95-12-103	137-28-065	REP	95-15-044	173-12-040	REP-P	95-05-065
132K-120-070	REP	95-17-073	137-28-072	REP	95-15-044	173-12-040	REP	95-09-036
132K-120-075	REP-P	95-12-103	137-28-075	REP	95-15-044	173-12-050	REP-P	95-05-065
132K-120-075	REP	95-17-073	137-28-080	REP	95-15-044	173-12-050	REP	95-09-036
132K-120-080	REP-P	95-12-103	137-28-085	REP	95-15-044	173-12-060	REP-P	95-05-065
132K-120-080	REP	95-17-073	137-28-090	REP	95-15-044	173-12-060	REP	95-09-036
132K-120-085	REP-P	95-12-103	137-28-093	REP	95-15-044	173-19-1202	PREP	95-11-087
132K-120-085	REP	95-17-073	137-28-094	REP	95-15-044	173-19-1301	AMD	95-12-057
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132K-130-010	NEW-P	95-12-102	137-28-097	REP	95-15-044	173-19-250	AMD-P	95-07-144
132K-130-010	NEW	95-17-072	137-28-100	REP	95-15-044	173-19-2513	PREP	95-05-063
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132M-108-020	AMD	95-16-069	137-28-107	REP	95-15-044	173-19-2519	PREP	95-07-022
132M-108-090	NEW-P	95-06-052	137-28-110	REP	95-15-044	173-19-2519	AMD-P	95-12-092
132M-108-090	NEW	95-11-014	137-28-115	REP	95-15-044	173-19-2519	AMD	95-17-039
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132M-160-040	NEW	95-16-069	137-28-130	REP	95-15-044	173-19-2521	AMD-P	95-11-088
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132M-160-050	NEW	95-16-069	137-28-150	NEW	95-15-044	173-19-260	PREP	95-04-076
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173-204-130	AMD-P	95-16-023	173-303-355	AMD-P	95-11-113	173-354-090	NEW-P	95-15-104
173-204-200	AMD-P	95-16-023	173-303-360	AMD-P	95-11-113	173-354-100	NEW-P	95-15-104
173-204-315	AMD-P	95-16-023	173-303-370	AMD-P	95-11-113	173-354-150	NEW-P	95-15-104
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173-204-400	AMD-P	95-16-023	173-303-390	AMD-P	95-11-113	173-354-230	NEW-P	95-15-104
173-204-410	AMD-P	95-16-023	173-303-395	AMD-P	95-11-113	173-354-300	NEW-P	95-15-104
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173-204-415	AMD-P	95-16-023	173-303-500	AMD-P	95-11-113	173-354-340	NEW-P	95-15-104
173-204-420	AMD-P	95-16-023	173-303-505	AMD-P	95-11-113	173-354-360	NEW-P	95-15-104
173-204-510	AMD-P	95-16-023	173-303-506	AMD-P	95-11-113	173-354-380	NEW-P	95-15-104
173-204-520	AMD-P	95-16-023	173-303-510	AMD-P	95-11-113	173-354-400	NEW-P	95-15-104
173-204-530	AMD-P	95-16-023	173-303-515	REP-P	95-15-104	173-354-440	NEW-P	95-15-104
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173-221A	PREP	95-07-057	173-303-600	AMD-P	95-11-113	173-354-515	NEW-P	95-15-104
173-221A-030	AMD-P	95-17-107	173-303-610	AMD-P	95-11-113	173-354-525	NEW-P	95-15-104
173-221A-100	AMD-P	95-17-107	173-303-620	AMD-P	95-11-113	173-354-535	NEW-P	95-15-104
173-221A-110	NEW-P	95-17-107	173-303-630	AMD-P	95-11-113	173-354-545	NEW-P	95-15-104
173-224-040	AMD-P	95-15-045	173-303-640	AMD-P	95-11-113	173-354-555	NEW-P	95-15-104
173-224-050	AMD-P	95-15-045	173-303-645	AMD-P	95-11-113	173-354-600	NEW-P	95-15-104
173-224-070	REP-P	95-15-045	173-303-646	AMD-P	95-11-113	173-354-620	NEW-P	95-15-104
173-224-090	AMD-P	95-15-045	173-303-650	AMD-P	95-11-113	173-354-640	NEW-P	95-15-104
173-303	PREP	95-05-062	173-303-655	AMD-P	95-11-113	173-354-660	NEW-P	95-15-104
173-303-016	AMD-P	95-11-113	173-303-660	AMD-P	95-11-113	173-354-670	NEW-P	95-15-104
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173-303-020	AMD-P	95-11-113	173-303-670	AMD-P	95-11-113	173-354-700	NEW-P	95-15-104
173-303-030	AMD-P	95-11-113	173-303-675	NEW-P	95-11-113	173-354-720	NEW-P	95-15-104
173-303-040	AMD-P	95-11-113	173-303-680	AMD-P	95-11-113	173-354-800	NEW-P	95-15-104
173-303-045	AMD-P	95-11-113	173-303-690	NEW-P	95-11-113	173-354-900	NEW-P	95-15-104
173-303-060	AMD-P	95-11-113	173-303-691	NEW-P	95-11-113	173-354-990	NEW-P	95-15-104
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173-303-072	AMD-P	95-11-113	173-303-800	AMD-P	95-11-113	173-360-120	AMD	95-04-102
173-303-073	NEW-P	95-11-113	173-303-801	AMD-P	95-11-113	173-360-130	AMD	95-04-102
173-303-075	AMD-P	95-11-113	173-303-802	AMD-P	95-11-113	173-360-190	AMD	95-04-102
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173-303-082	AMD-P	95-11-113	173-303-805	AMD-P	95-11-113	173-360-210	AMD	95-04-102
173-303-083	AMD-P	95-11-113	173-303-806	AMD-P	95-11-113	173-360-305	AMD	95-04-102
173-303-090	AMD-P	95-11-113	173-303-807	AMD-P	95-11-113	173-360-310	AMD	95-04-102
173-303-100	AMD-P	95-11-113	173-303-808	AMD-P	95-11-113	173-360-320	AMD	95-04-102
173-303-104	AMD-P	95-11-113	173-303-809	AMD-P	95-11-113	173-360-325	AMD	95-04-102
173-303-110	AMD-P	95-11-113	173-303-810	AMD-P	95-11-113	173-360-330	AMD	95-04-102
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173-303-140	AMD-P	95-11-113	173-303-840	AMD-P	95-11-113	173-360-340	AMD	95-04-102
173-303-141	AMD-P	95-11-113	173-303-902	AMD-P	95-11-113	173-360-345	AMD	95-04-102
173-303-145	AMD-P	95-11-113	173-303-905	AMD-P	95-11-113	173-360-350	AMD	95-04-102
173-303-150	AMD-P	95-11-113	173-303-910	AMD-P	95-11-113	173-360-370	AMD	95-04-102
173-303-160	AMD-P	95-11-113	173-303-9903	AMD-P	95-11-113	173-360-380	AMD	95-04-102
173-303-161	AMD-P	95-11-113	173-303-9904	AMD-P	95-11-113	173-360-385	AMD	95-04-102
173-303-170	AMD-P	95-11-113	173-303-9905	AMD-P	95-11-113	173-360-600	AMD	95-04-102
173-303-180	AMD-P	95-11-113	173-303-9906	AMD-P	95-11-113	173-360-610	AMD	95-04-102
173-303-190	AMD-P	95-11-113	173-330-010	REP-P	95-15-104	173-360-620	NEW	95-04-102
173-303-200	AMD-P	95-11-113	173-330-020	REP-P	95-15-104	173-360-630	AMD	95-04-102
173-303-201	AMD-P	95-11-113	173-330-030	REP-P	95-15-104	173-360-640	REP	95-04-102
173-303-210	AMD-P	95-11-113	173-330-040	REP-P	95-15-104	173-360-650	REP	95-04-102
173-303-220	AMD-P	95-11-113	173-330-050	REP-P	95-15-104	173-360-655	REP	95-04-102
173-303-230	AMD-P	95-11-113	173-330-060	REP-P	95-15-104	173-360-660	REP	95-04-102
173-303-240	AMD-P	95-11-113	173-330-070	REP-P	95-15-104	173-360-680	REP	95-04-102
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173-400-030	AMD	95-07-126	174-116-044	PREP	95-05-010	180-27-019	PREP	95-12-075
173-400-099	NEW	95-07-126	174-116-044	AMD-P	95-07-132	180-27-019	AMD-P	95-16-077
173-400-100	AMD	95-07-126	174-116-044	AMD	95-16-093	180-27-040	PREP	95-12-073
173-400-101	AMD	95-07-126	174-116-046	PREP	95-05-010	180-27-040	AMD-P	95-16-079
173-400-102	NEW	95-07-126	174-116-046	AMD-P	95-07-132	180-27-05605	AMD-E	95-11-092
173-400-103	NEW	95-07-126	174-116-046	AMD	95-16-093	180-27-05605	PREP	95-12-043
173-400-104	NEW	95-07-126	174-116-050	PREP	95-05-010	180-27-05605	AMD-P	95-12-074
173-400-171	AMD	95-07-126	174-116-050	AMD-P	95-07-132	180-27-05605	AMD	95-16-076
173-420-020	AMD-P	95-10-052	174-116-050	AMD	95-16-093	180-27-600	PREP	95-14-042
173-420-030	AMD-P	95-10-052	174-116-060	PREP	95-05-010	180-27-600	NEW-P	95-16-078
173-420-040	AMD-P	95-10-052	174-116-060	AMD-P	95-07-132	180-27-605	PREP	95-14-042
173-420-050	AMD-P	95-10-052	174-116-060	AMD	95-16-093	180-27-605	NEW-P	95-16-078
173-420-055	NEW-P	95-10-052	174-116-071	PREP	95-05-010	180-27-610	PREP	95-14-042
173-420-060	AMD-P	95-10-052	174-116-071	AMD-P	95-07-132	180-27-610	NEW-P	95-16-078
173-420-065	NEW-P	95-10-052	174-116-071	AMD	95-16-093	180-27-615	PREP	95-14-042
173-420-070	AMD-P	95-10-052	174-116-072	PREP	95-05-010	180-27-615	NEW-P	95-16-078
173-420-080	AMD-P	95-10-052	174-116-072	AMD-P	95-07-132	180-29-015	PREP	95-05-036
173-420-110	AMD-P	95-10-052	174-116-072	AMD	95-16-093	180-29-015	AMD-P	95-05-081
173-420-120	NEW-P	95-10-052	174-116-080	PREP	95-05-010	180-29-015	AMD	95-08-033
173-422-020	AMD	95-06-068	174-116-080	AMD-P	95-07-132	180-29-095	PREP	95-05-037
173-422-030	AMD	95-06-068	174-116-080	AMD	95-16-093	180-29-095	AMD-P	95-05-082
173-422-035	AMD	95-06-068	174-116-091	PREP	95-05-010	180-29-095	AMD	95-08-031
173-422-050	AMD	95-06-068	174-116-091	AMD-P	95-07-132	180-29-125	PREP	95-05-035
173-422-060	AMD	95-06-068	174-116-091	AMD	95-16-093	180-29-125	AMD-P	95-05-080
173-422-065	AMD	95-06-068	174-116-092	PREP	95-05-010	180-29-125	AMD	95-08-030
173-422-070	AMD	95-06-068	174-116-092	AMD-P	95-07-132	180-43-010	AMD-P	95-05-077
173-422-090	AMD	95-06-068	174-116-092	AMD	95-16-093	180-43-010	AMD	95-08-028
173-422-100	AMD	95-06-068	174-116-119	PREP	95-05-010	180-43-015	AMD-P	95-05-077
173-422-120	AMD	95-06-068	174-116-119	AMD-P	95-07-132	180-43-015	AMD	95-08-028
173-422-160	AMD	95-06-068	174-116-119	AMD	95-16-093	180-51-050	AMD-P	95-12-025
173-422-170	AMD	95-06-068	174-116-121	PREP	95-05-010	180-51-050	AMD	95-16-063
173-422-190	AMD	95-06-068	174-116-121	AMD-P	95-07-132	180-53-070	AMD-P	95-16-113
173-422-195	AMD	95-06-068	174-116-121	AMD	95-16-093	180-57-080	PREP	95-12-024
173-430-010	AMD	95-03-083	174-116-122	PREP	95-05-010	180-75-070	PREP	95-05-043
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173-430-030	AMD	95-03-083	174-116-122	AMD	95-16-093	180-77-001	NEW	95-12-056
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173-430-050	AMD	95-03-083	174-116-123	AMD-P	95-07-132	180-77-002	NEW	95-12-056
173-430-060	AMD	95-03-083	174-116-123	AMD	95-16-093	180-77-003	AMD-P	95-08-058
173-430-070	AMD	95-03-083	174-116-124	PREP	95-05-010	180-77-003	AMD	95-12-056
173-430-080	AMD	95-03-083	174-116-124	AMD-P	95-07-132	180-77-004	NEW-P	95-08-058
173-430-090	NEW	95-03-083	174-116-124	AMD	95-16-093	180-77-004	NEW	95-12-056
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173-548	PREP	95-12-059	174-116-127	PREP	95-05-010	180-77-010	REP-P	95-08-058
173-548-010	AMD-E	95-07-009	174-116-127	AMD-P	95-07-132	180-77-010	REP	95-12-056
173-548-010	AMD-W	95-12-065	174-116-127	AMD	95-16-093	180-77-012	NEW-P	95-08-058
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173-548-030	AMD-E	95-07-009	178-01-010	REP	95-08-008	180-77-014	NEW	95-12-056
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174-116-011	PREP	95-05-010	180-16-215	AMD-P	95-16-113	180-77-030	REP-P	95-08-058
174-116-020	PREP	95-05-010	180-16-222	PREP	95-13-047	180-77-030	REP	95-12-056
174-116-020	AMD-P	95-07-132	180-18-010	NEW-P	95-16-113	180-77-031	NEW-P	95-08-058
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174-116-030	AMD	95-16-093	180-18-040	NEW-P	95-16-113	180-77-035	REP	95-12-056
174-116-040	PREP	95-05-010	180-18-050	NEW-P	95-16-113	180-77-040	REP-P	95-08-058
174-116-040	AMD-P	95-07-132	180-18-060	NEW-P	95-16-113	180-77-040	REP	95-12-056
174-116-040	AMD	95-16-093	180-18-080	NEW-P	95-16-113	180-77-041	NEW-P	95-08-058
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174-116-041	AMD-P	95-07-132	180-20-035	PREP	95-16-059	180-77-045	REP-P	95-08-058
174-116-041	AMD	95-16-093	180-24-400	NEW-P	95-16-064	180-77-045	REP	95-12-056
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174-116-042	AMD-P	95-07-132	180-24-410	NEW-P	95-16-064	180-77-050	REP	95-12-056
174-116-042	AMD	95-16-093	180-24-415	NEW-P	95-16-064	180-77-055	REP-P	95-08-058
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180-77-070	AMD	95-12-056	182-14-010	NEW-E	95-15-092
180-77-075	AMD-P	95-08-058	182-14-020	NEW-E	95-08-001
180-77-075	AMD	95-12-056	182-14-020	NEW-E	95-15-092
180-77-080	AMD-P	95-08-058	182-14-030	NEW-E	95-08-001
180-77-080	AMD	95-12-056	182-14-030	NEW-E	95-15-092
180-77-085	REP-P	95-08-058	182-14-040	NEW-E	95-08-001
180-77-085	REP	95-12-056	182-14-040	NEW-E	95-15-092
180-77-090	REP-P	95-08-058	182-14-050	NEW-E	95-08-001
180-77-090	REP	95-12-056	182-14-050	NEW-E	95-15-092
180-77-095	REP-P	95-08-058	182-14-060	NEW-E	95-08-001
180-77-095	REP	95-12-056	182-14-060	NEW-E	95-15-092
180-77-100	REP-P	95-08-058	182-14-070	NEW-E	95-08-001
180-77-100	REP	95-12-056	182-14-070	NEW-E	95-15-092
180-77-105	REP-P	95-08-058	182-14-080	NEW-E	95-08-001
180-77-105	REP	95-12-056	182-14-080	NEW-E	95-15-092
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180-77-106	NEW	95-12-056	182-14-090	NEW-E	95-15-092
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180-77-122	NEW	95-12-056	182-20-001	NEW	95-12-010
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180-78-145	AMD	95-12-055	182-20-100	NEW-P	95-08-060
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180-95-050	AMD-P	95-05-076	192-04-090	AMD-P	95-15-063
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220-57-20000J	NEW-E	95-14-035	220-57-495	AMD	95-12-027	222-21-040	NEW-C	95-14-028
220-57-20000J	REP-E	95-14-035	220-57-497	AMD	95-12-027	222-24-030	AMD-C	95-04-073
220-57-205	AMD	95-12-027	220-57-49700J	NEW-E	95-08-037	222-24-030	AMD-E	95-04-074
220-57-210	AMD	95-12-027	220-57-502	AMD	95-12-027	222-24-030	AMD-E	95-11-052
220-57-215	AMD-W	95-12-066	220-57-505	AMD	95-12-027	222-24-030	AMD-C	95-14-028
220-57-220	AMD	95-12-027	220-57-50500X	NEW-E	95-08-037	222-30-050	AMD-C	95-04-073
220-57-230	AMD	95-12-027	220-57-510	AMD	95-12-027	222-30-050	AMD-E	95-04-074
220-57-235	AMD	95-12-027	220-57-515	AMD	95-12-027	222-30-050	AMD-E	95-11-052
220-57-240	AMD	95-12-027	220-57-520	AMD	95-12-027	222-30-050	AMD-C	95-14-028
220-57-250	AMD	95-12-027	220-57-525	AMD	95-12-027	222-30-060	AMD-C	95-04-073
220-57-255	AMD	95-12-027	220-57A	AMD-C	95-04-064	222-30-060	AMD-E	95-04-074
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220-57-27000A	NEW-E	95-11-063	220-57A-030	AMD	95-12-027	222-30-065	NEW-E	95-04-074
220-57-280	AMD	95-12-027	220-57A-035	AMD	95-12-027	222-30-065	NEW-E	95-11-052
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220-57-29000R	NEW-E	95-08-037	220-57A-045	AMD	95-12-027	222-30-070	AMD-E	95-04-074
220-57-295	AMD	95-12-027	220-57A-110	AMD	95-12-027	222-30-070	AMD-E	95-11-052
220-57-300	AMD	95-12-027	220-57A-112	AMD	95-12-027	222-30-070	AMD-C	95-14-028
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220-57-43000I	REP-E	95-16-099	222-16-075	NEW-C	95-04-073	230-04-075	AMD	95-12-051
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220-57-43500J	REP-E	95-16-095	222-16-080	AMD-C	95-04-073	230-04-080	AMD	95-07-094
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230-04-405	NEW-C	95-12-049	232-12-131	AMD	95-03-034	232-28-61900C	NEW-E	95-09-050
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230-08-160	AMD	95-07-094	232-28-02203	AMD	95-03-025	232-28-61940	REP-P	95-14-134
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230-20-070	AMD	95-09-062	232-28-240	AMD	95-03-031	232-28-61946	REP-E	95-09-050
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230-20-325	AMD	95-07-093	232-28-24601	NEW-E	95-03-068	232-28-61953	REP	95-17-064
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236-15-010	REP-P	95-13-108	245-02-135	NEW	95-04-112	245-03-620	NEW-W	95-12-047
236-15-010	REP	95-16-106	245-02-140	NEW	95-04-112	245-03-630	NEW-P	95-06-076
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236-15-015	REP	95-16-106	245-02-155	NEW	95-04-112	245-03-640	NEW-W	95-07-036
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236-15-050	REP	95-16-106	245-02-170	NEW	95-04-112	245-03-650	NEW-W	95-07-036
236-15-100	NEW	95-05-044	245-02-175	NEW	95-04-112	245-03-650	NEW-W	95-12-047
236-15-100	REP-P	95-13-108	245-02-180	NEW	95-04-112	245-03-660	NEW-P	95-06-076
236-15-100	REP	95-16-106	245-03-010	NEW-P	95-06-075	245-03-660	NEW-W	95-07-036
236-15-200	NEW	95-05-044	245-03-010	NEW-W	95-07-037	245-03-660	NEW-W	95-12-047
236-15-200	REP-P	95-13-108	245-03-010	NEW-W	95-12-047	245-03-670	NEW-P	95-06-076
236-15-200	REP	95-16-106	245-03-020	NEW-P	95-06-075	245-03-670	NEW-W	95-12-047
236-15-300	NEW	95-05-044	245-03-020	NEW-W	95-07-037	245-03-680	NEW-P	95-06-076
236-15-300	REP-P	95-13-108	245-03-020	NEW-W	95-12-047	245-03-680	NEW-W	95-07-036
236-15-300	REP	95-16-106	245-03-040	NEW-P	95-06-075	245-03-680	NEW-W	95-12-047
236-15-700	NEW	95-05-044	245-03-040	NEW-W	95-07-037	245-03-810	NEW-P	95-06-074
236-15-700	REP-P	95-13-108	245-03-040	NEW-W	95-12-047	245-03-810	NEW-W	95-07-034
236-15-700	REP	95-16-106	245-03-050	NEW-P	95-06-075	245-03-810	NEW-W	95-12-047
236-15-800	NEW	95-05-044	245-03-050	NEW-W	95-07-037	245-03-820	NEW-P	95-06-074
236-15-800	REP-P	95-13-108	245-03-050	NEW-W	95-12-047	245-03-820	NEW-W	95-07-034
236-15-800	REP	95-16-106	245-03-080	NEW-P	95-06-075	245-03-820	NEW-W	95-12-047
236-15-900	NEW	95-05-044	245-03-080	NEW-W	95-07-037	245-03-830	NEW-P	95-06-074
236-15-900	REP-P	95-13-108	245-03-080	NEW-W	95-12-047	245-03-830	NEW-W	95-07-034
236-15-900	REP	95-16-106	245-03-120	NEW-P	95-06-075	245-03-830	NEW-W	95-12-047
240-10-030	AMD	95-09-025	245-03-120	NEW-W	95-07-037	245-03-840	NEW-P	95-06-074
240-10-040	AMD	95-09-025	245-03-120	NEW-W	95-12-047	245-03-840	NEW-W	95-07-034
243-01-010	NEW-P	95-17-112	245-03-140	NEW-P	95-06-075	245-03-840	NEW-W	95-12-047
243-01-020	NEW-P	95-17-112	245-03-140	NEW-W	95-07-037	245-03-860	NEW-P	95-06-074
243-01-030	NEW-P	95-17-112	245-03-140	NEW-W	95-12-047	245-03-860	NEW-W	95-07-034
243-01-040	NEW-P	95-17-112	245-03-160	NEW-P	95-06-075	245-03-860	NEW-W	95-12-047
243-01-050	NEW-P	95-17-112	245-03-160	NEW-W	95-07-037	245-03-880	NEW-P	95-06-074
243-01-060	NEW-P	95-17-112	245-03-160	NEW-W	95-12-047	245-03-880	NEW-W	95-07-034
243-01-070	NEW-P	95-17-112	245-03-180	NEW-P	95-06-075	245-03-880	NEW-W	95-12-047
243-01-080	NEW-P	95-17-112	245-03-180	NEW-W	95-07-037	245-04-010	NEW-P	95-06-077
243-01-090	NEW-P	95-17-112	245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033
243-01-100	NEW-P	95-17-112	245-03-200	NEW-P	95-06-075	245-04-010	NEW-W	95-12-047
243-01-110	NEW-P	95-17-112	245-03-200	NEW-W	95-07-037	245-04-020	NEW-P	95-06-077
243-01-120	NEW-P	95-17-112	245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033
243-01-130	NEW-P	95-17-112	245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047
243-01-140	NEW-P	95-17-112	245-03-220	NEW-W	95-07-037	245-04-025	NEW-P	95-06-077
243-01-150	NEW-P	95-17-112	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

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
245-04-110	AMD	95-06-048	245-08-020	NEW-W	95-12-047
245-04-110	DECOD	95-12-009	245-08-030	NEW-P	95-04-114
245-04-115	AMD-P	95-03-101	245-08-030	NEW-W	95-07-030
245-04-115	AMD	95-06-048	245-08-030	NEW-W	95-12-047
245-04-115	DECOD	95-12-009	245-08-040	NEW-P	95-04-114
245-04-125	NEW-P	95-04-113	245-08-040	NEW-W	95-07-030
245-04-125	NEW-W	95-12-047	245-08-040	NEW-W	95-12-047
245-04-130	NEW-P	95-04-113	245-08-050	NEW-P	95-04-114
245-04-130	NEW-W	95-12-047	245-08-050	NEW-W	95-07-030
245-04-135	NEW-P	95-04-113	245-08-050	NEW-W	95-12-047
245-04-135	NEW-W	95-12-047	246-01-040	AMD-P	95-07-054
245-04-140	NEW-P	95-04-113	246-01-040	AMD	95-10-043
245-04-140	NEW-W	95-12-047	246-01-080	AMD-P	95-07-054
245-04-145	NEW-P	95-04-113	246-01-080	AMD	95-10-043
245-04-145	NEW-W	95-12-047	246-08-400	NEW-E	95-14-108
245-04-150	NEW-P	95-04-113	246-08-400	NEW-P	95-17-126
245-04-150	NEW-W	95-12-047	246-100-166	PREP	95-05-012
245-04-155	NEW-P	95-04-113	246-100-236	AMD-S	95-08-026
245-04-155	NEW-W	95-12-047	246-100-236	AMD	95-13-037
245-04-160	NEW-P	95-04-113	246-130	AMD-P	95-15-109
245-04-160	NEW-W	95-12-047	246-130-001	AMD-P	95-15-109
245-04-165	NEW-P	95-04-113	246-130-010	AMD-P	95-15-109
245-04-165	NEW-W	95-12-047	246-130-020	AMD-P	95-15-109
245-04-170	NEW-P	95-04-113	246-130-030	AMD-P	95-15-109
245-04-170	NEW-W	95-12-047	246-130-040	AMD-P	95-15-109
245-04-175	NEW-P	95-04-113	246-130-050	REP-P	95-15-109
245-04-175	NEW-W	95-12-047	246-130-060	AMD-P	95-15-109
245-04-180	NEW-P	95-04-113	246-130-070	AMD-P	95-15-109
245-04-180	NEW-W	95-12-047	246-170	AMD	95-04-035
245-04-185	NEW-P	95-04-113	246-170-001	REP	95-04-035
245-04-185	NEW-W	95-12-047	246-170-002	NEW	95-04-035
245-04-190	NEW-P	95-04-113	246-170-010	REP	95-04-035
245-04-190	NEW-W	95-12-047	246-170-011	NEW	95-04-035
245-04-195	NEW-P	95-04-113	246-170-020	REP	95-04-035
245-04-195	NEW-W	95-12-047	246-170-021	NEW	95-04-035
245-04-200	NEW-P	95-06-079	246-170-030	REP	95-04-035
245-04-200	NEW-W	95-07-032	246-170-031	NEW	95-04-035
245-04-200	NEW-P	95-12-047	246-170-040	REP	95-04-035
245-04-210	NEW-P	95-06-079	246-170-041	NEW	95-04-035
245-04-210	NEW-W	95-07-032	246-170-050	REP	95-04-035
245-04-210	NEW-W	95-12-047	246-170-051	NEW	95-04-035
245-04-220	NEW-P	95-06-079	246-170-055	NEW	95-04-035
245-04-220	NEW-W	95-07-032	246-170-060	REP	95-04-035
245-04-220	NEW-W	95-12-047	246-170-061	NEW	95-04-035
245-04-230	NEW-P	95-06-079	246-170-065	NEW	95-04-035
245-04-230	NEW-W	95-07-032	246-170-070	REP	95-04-035
245-04-230	NEW-W	95-12-047	246-170-080	REP	95-04-035
245-04-240	NEW-P	95-06-079	246-170-090	REP	95-04-035
245-04-240	NEW-W	95-07-032	246-249-020	AMD-P	95-04-100
245-04-240	NEW-W	95-12-047	246-249-020	AMD	95-13-094
245-04-300	NEW-P	95-06-078	246-249-080	AMD-P	95-04-100
245-04-300	NEW-W	95-07-031	246-249-080	AMD	95-13-094
245-04-300	NEW-W	95-12-047	246-254	PREP	95-05-058
245-04-310	NEW-P	95-06-078	246-254-053	AMD-P	95-08-066
245-04-310	NEW-W	95-07-031	246-254-053	AMD	95-12-004
245-04-310	NEW-W	95-12-047	246-254-070	AMD-P	95-08-066
245-04-320	NEW-P	95-06-078	246-254-070	AMD	95-12-004
245-04-320	NEW-W	95-07-031	246-254-080	AMD-P	95-08-066
245-04-320	NEW-W	95-12-047	246-254-080	AMD	95-12-004
245-04-330	NEW-P	95-06-078	246-254-090	AMD-P	95-08-066
245-04-330	NEW-W	95-07-031	246-254-090	AMD	95-12-004
245-04-330	NEW-W	95-12-047	246-254-100	AMD-P	95-08-066
245-04-340	NEW-P	95-06-078	246-254-100	AMD	95-12-004
245-04-340	NEW-W	95-07-031	246-254-120	AMD-P	95-08-066
245-04-340	NEW-W	95-12-047	246-254-120	AMD	95-12-004
245-04-350	NEW-P	95-06-078	246-255	PREP	95-05-058
245-04-350	NEW-W	95-07-031	246-272-25001	AMD-P	95-04-034
245-04-350	NEW-W	95-12-047	246-272-25001	AMD	95-09-018
245-08-010	NEW-P	95-04-114	246-290-990	PREP	95-05-059
245-08-010	NEW-W	95-07-030	246-290-990	AMD-P	95-15-108
245-08-010	NEW-W	95-12-047	246-291	PREP	95-09-017
245-08-020	NEW-P	95-04-114	246-291-010	AMD-P	95-15-107
245-08-020	NEW-W	95-07-030	246-291-020	AMD-P	95-15-107
246-291-025	AMD-P	95-15-107	246-291-030	AMD-P	95-15-107
246-291-100	AMD-P	95-15-107	246-291-110	AMD-P	95-15-107
246-291-130	AMD-P	95-15-107	246-291-140	AMD-P	95-15-107
246-314	PREP	95-07-073	246-314-990	AMD-P	95-09-059
246-314-990	AMD	95-12-097	246-316	PREP	95-07-073
246-316-990	AMD-P	95-09-059	246-316-990	AMD	95-12-097
246-318	PREP	95-07-073	246-318	PREP	95-07-073
246-318-990	AMD-P	95-09-059	246-318-990	AMD	95-12-097
246-322	PREP	95-07-073	246-322	PREP	95-07-073
246-322-001	NEW-P	95-12-096	246-322-001	NEW-P	95-12-096
246-322-010	AMD-P	95-12-096	246-322-010	AMD-P	95-12-096
246-322-020	AMD-P	95-12-096	246-322-020	AMD-P	95-12-096
246-322-025	NEW-P	95-12-096	246-322-025	NEW-P	95-12-096
246-322-030	NEW-P	95-12-096	246-322-030	NEW-P	95-12-096
246-322-035	NEW-P	95-12-096	246-322-035	NEW-P	95-12-096
246-322-040	AMD-P	95-12-096	246-322-040	AMD-P	95-12-096
246-322-050	AMD-P	95-12-096	246-322-050	AMD-P	95-12-096
246-322-060	AMD-P	95-12-096	246-322-060	AMD-P	95-12-096
246-322-070	REP-P	95-12-096	246-322-070	REP-P	95-12-096
246-322-080	REP-P	95-12-096	246-322-080	REP-P	95-12-096
246-322-090	REP-P	95-12-096	246-322-090	REP-P	95-12-096
246-322-100	AMD-P	95-12-096	246-322-100	AMD-P	95-12-096
246-322-110	REP-P	95-12-096	246-322-110	REP-P	95-12-096
246-322-120	AMD-P	95-12-096	246-322-120	AMD-P	95-12-096
246-322-130	REP-P	95-12-096	246-322-130	REP-P	95-12-096
246-322-140	NEW-P	95-12-096	246-322-140	NEW-P	95-12-096
246-322-150	NEW-P	95-12-096	246-322-150	NEW-P	95-12-096
246-322-160	NEW-P	95-12-096	246-322-160	NEW-P	95-12-096
246-322-170	NEW-P	95-12-096	246-322-170	NEW-P	95-12-096
246-322-180	NEW-P	95-12-096	246-322-180	NEW-P	95-12-096
246-322-190	NEW-P	95-12-096	246-322-190	NEW-P	95-12-096
246-322-200	NEW-P	95-12-096	246-322-200	NEW-P	95-12-096
246-322-210	NEW-P	95-12-096	246-322-210	NEW-P	95-12-096
246-322-220	NEW-P	95-12-096	246-322-220	NEW-P	95-12-096
246-322-230	NEW-P	95-12-096	246-322-230	NEW-P	95-12-096
246-322-240	NEW-P	95-12-096	246-322-240	NEW-P	95-12-096
246-316-250	NEW-P	95-12-096	246-316-250	NEW-P	95-12-096
246-322-500	NEW-P	95-12-096	246-322-500	NEW-P	95-12-096
246-322-990	AMD-P	95-09-059	246-322-990	AMD-P	95-09-059
246-322-991	AMD-P	95-09-059	246-322-991	AMD-P	95-09-059
246-322-991	REP-P	95-12-096	246-322-991	REP-P	95-12-096
246-323	PREP	95-07-073	246-323	PREP	95-07-073
246-323-990	AMD-P	95-09-059	246-323-990	AMD-P	95-09-059
246-323-990	AMD	95-12-097	246-323-990	AMD	95-12-097
246-324-010	NEW-P	95-12-094	246-324-010	NEW-P	95-12-094
246-324-020	NEW-P	95-12-094	246-324-020	NEW-P	95-12-094
246-324-025	NEW-P	95-12-094	246-324-025	NEW-P	95-12-094
246-324-030	NEW-P	95-12-094	246-324-030	NEW-P	95-12-094
246-324-035	NEW-P	95-12-094	246-324-035	NEW-P	95-12-094
246-324-040	NEW-P	95-12-094	246-324-040	NEW-P	95-12-094
246-324-050	NEW-P	95-12-094	246-324-050	NEW-P	95-12-094
246-324-060	NEW-P	95-12-094	246-324-060	NEW-P	95-12-094
246-324-100	NEW-P	95-12-094	246-324-100	NEW-P	95-12-094
246-324-120	NEW-P	95-12-094	246-324-120	NEW-P	95-12-094
246-324-140	NEW-P	95-12-094	246-324-140	NEW-P	95-12-094
246-324-150	NEW-P	95-12-094	246-324-150	NEW-P	95-12-094
246-324-160	NEW-P	95-12-094	246-324-160	NEW-P	95-12-094
246-324-170	NEW-P	95-12-094	246-324-170	NEW-P	95-12-094
246-324-180	NEW-P	95-12-094	246-324-180	NEW-P	95-12-094
246-324-190	NEW-P	95-12-094	246-324-190	NEW-P	95-12-094
246-324-200	NEW-P	95-12-094	246-324-200	NEW-P	95-12-094
246-324-210	NEW-P	95-12-094	246-324-210	NEW-P	95-12-094
246-324-220	NEW-P	95-12-094	246-324-220	NEW-P	95-12-094

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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246-324-240	NEW-P	95-12-094	246-812-101	NEW-E	95-09-029	246-812-510	NEW-P	95-15-110
246-324-250	NEW-P	95-12-094	246-812-101	NEW-P	95-15-110	246-812-510	NEW	95-17-046
246-324-500	NEW-P	95-12-094	246-812-101	NEW	95-17-046	246-812-520	NEW-E	95-09-029
246-324-990	NEW-P	95-12-094	246-812-120	NEW-E	95-09-029	246-812-520	NEW-P	95-15-110
246-325	PREP	95-07-073	246-812-120	NEW-P	95-15-110	246-812-520	NEW	95-17-046
246-325-990	AMD-P	95-09-059	246-812-120	NEW	95-17-046	246-812-601	NEW-E	95-09-029
246-325-990	AMD	95-12-097	246-812-125	NEW-E	95-09-029	246-812-601	NEW-P	95-15-110
246-326	PREP	95-07-073	246-812-125	NEW-P	95-15-110	246-812-601	NEW	95-17-046
246-326-990	AMD-P	95-09-059	246-812-125	NEW	95-17-046	246-812-610	NEW-E	95-09-029
246-326-990	AMD	95-12-097	246-812-130	NEW-E	95-09-029	246-812-610	NEW-P	95-15-110
246-327	PREP	95-07-073	246-812-130	NEW-P	95-15-110	246-812-610	NEW	95-17-046
246-327-990	AMD-P	95-09-059	246-812-130	NEW	95-17-046	246-812-620	NEW-E	95-09-029
246-327-990	AMD	95-12-097	246-812-140	NEW-E	95-09-029	246-812-620	NEW-P	95-15-110
246-331	PREP	95-07-073	246-812-140	NEW-P	95-15-110	246-812-620	NEW	95-17-046
246-331-990	AMD-P	95-09-059	246-812-140	NEW	95-17-046	246-812-630	NEW-E	95-09-029
246-331-990	AMD	95-12-097	246-812-150	NEW-E	95-09-029	246-812-630	NEW-P	95-15-110
246-336	PREP	95-07-073	246-812-150	NEW-P	95-15-110	246-812-630	NEW	95-17-046
246-336-990	AMD-P	95-09-059	246-812-150	NEW	95-17-046	246-812-990	NEW-E	95-09-029
246-336-990	AMD	95-12-097	246-812-155	NEW-E	95-09-029	246-812-990	NEW-P	95-15-110
246-358	PREP	95-11-072	246-812-155	NEW-P	95-15-110	246-815	PREP	95-12-020
246-358-001	AMD-E	95-13-093	246-812-155	NEW	95-17-046	246-815-020	AMD-P	95-13-110
246-358-010	AMD-E	95-08-018	246-812-160	NEW-E	95-09-029	246-815-020	AMD	95-16-102
246-358-010	AMD-E	95-13-093	246-812-160	NEW-P	95-15-110	246-815-050	AMD-P	95-03-018
246-358-020	AMD-E	95-08-018	246-812-160	NEW	95-17-046	246-815-050	AMD	95-07-003
246-358-020	AMD-E	95-13-093	246-812-170	NEW-E	95-09-029	246-815-050	AMD-P	95-13-110
246-358-025	AMD-E	95-13-092	246-812-170	NEW-P	95-15-110	246-815-050	AMD	95-16-102
246-358-030	AMD-E	95-13-092	246-812-170	NEW	95-17-046	246-815-060	AMD-P	95-13-110
246-358-045	AMD-E	95-13-093	246-812-301	NEW-E	95-09-029	246-815-060	AMD	95-16-102
246-358-055	AMD-E	95-13-093	246-812-301	NEW-P	95-15-110	246-815-070	AMD	95-02-056
246-358-065	AMD-E	95-13-093	246-812-301	NEW	95-17-046	246-815-070	AMD-P	95-13-110
246-358-075	AMD-E	95-13-093	246-812-320	NEW-E	95-09-029	246-815-070	AMD	95-16-102
246-358-085	AMD-E	95-08-018	246-812-320	NEW-P	95-15-110	246-815-100	AMD-P	95-13-110
246-358-085	AMD-E	95-13-093	246-812-320	NEW	95-17-046	246-815-100	AMD	95-16-102
246-358-090	NEW-E	95-13-093	246-812-330	NEW-E	95-09-029	246-815-990	AMD-P	95-13-110
246-358-095	AMD-E	95-13-093	246-812-330	NEW-P	95-15-110	246-815-990	AMD	95-16-102
246-358-100	NEW-E	95-13-093	246-812-330	NEW	95-17-046	246-816-015	REP-P	95-12-068
246-358-105	REP-E	95-13-093	246-812-340	NEW-E	95-09-029	246-816-020	REP-P	95-12-068
246-358-115	REP-E	95-13-093	246-812-340	NEW-P	95-15-110	246-816-030	REP-P	95-12-068
246-358-125	AMD-E	95-13-093	246-812-340	NEW	95-17-046	246-816-040	REP-P	95-12-068
246-358-135	AMD-E	95-13-093	246-812-350	NEW-E	95-09-029	246-816-050	REP-P	95-12-068
246-358-140	AMD-E	95-08-018	246-812-350	NEW-P	95-15-110	246-816-060	REP-P	95-12-068
246-358-140	AMD-E	95-13-093	246-812-350	NEW	95-17-046	246-816-070	REP-P	95-12-068
246-358-145	AMD-E	95-13-093	246-812-360	NEW-E	95-09-029	246-816-075	REP-P	95-12-068
246-358-155	AMD-E	95-13-093	246-812-360	NEW-P	95-15-110	246-816-080	REP-P	95-12-068
246-358-175	AMD-E	95-13-093	246-812-360	NEW	95-17-046	246-816-090	REP-P	95-12-068
246-380	PREP	95-07-073	246-812-390	NEW-E	95-09-029	246-816-100	REP-P	95-12-068
246-430	PREP	95-12-005	246-812-390	NEW-P	95-15-110	246-816-110	REP-P	95-12-068
246-430-010	PREP	95-12-005	246-812-390	NEW	95-17-046	246-816-120	REP-P	95-12-068
246-430-030	PREP	95-12-005	246-812-400	NEW-E	95-09-029	246-816-130	REP-P	95-12-068
246-430-040	PREP	95-12-005	246-812-400	NEW-P	95-15-110	246-816-140	REP-P	95-12-068
246-560-001	PREP	95-06-073	246-812-400	NEW	95-17-046	246-816-150	REP-P	95-12-068
246-560-010	PREP	95-06-073	246-812-410	NEW-E	95-09-029	246-816-201	REP-P	95-12-068
246-560-015	PREP	95-06-073	246-812-410	NEW-P	95-15-110	246-816-210	REP-P	95-12-068
246-560-020	PREP	95-06-073	246-812-410	NEW	95-17-046	246-816-220	REP-P	95-12-068
246-560-030	PREP	95-06-073	246-812-420	NEW-E	95-09-029	246-816-225	REP-P	95-12-068
246-560-040	PREP	95-06-073	246-812-420	NEW-P	95-15-110	246-816-230	REP-P	95-12-068
246-560-050	PREP	95-06-073	246-812-420	NEW	95-17-046	246-816-240	REP-P	95-12-068
246-560-060	PREP	95-06-073	246-812-430	NEW-E	95-09-029	246-816-250	REP-P	95-12-068
246-560-070	PREP	95-06-073	246-812-430	NEW-P	95-15-110	246-816-260	REP-P	95-12-068
246-560-080	PREP	95-06-073	246-812-430	NEW	95-17-046	246-816-301	REP-P	95-12-068
246-560-090	PREP	95-06-073	246-812-440	NEW-E	95-09-029	246-816-310	REP-P	95-12-068
246-560-100	PREP	95-06-073	246-812-440	NEW-P	95-15-110	246-816-320	REP-P	95-12-068
246-780	PREP	95-07-055	246-812-440	NEW	95-17-046	246-816-330	REP-P	95-12-068
246-812	PREP	95-06-017	246-812-450	NEW-E	95-09-029	246-816-340	REP-P	95-12-068
246-812-001	NEW-E	95-09-029	246-812-450	NEW-P	95-15-110	246-816-350	REP-P	95-12-068
246-812-001	NEW-P	95-15-110	246-812-450	NEW	95-17-046	246-816-360	REP-P	95-12-068
246-812-001	NEW	95-17-046	246-812-460	NEW-E	95-09-029	246-816-370	REP-P	95-12-068
246-812-010	NEW-E	95-09-029	246-812-460	NEW-P	95-15-110	246-816-380	REP-P	95-12-068
246-812-010	NEW-P	95-15-110	246-812-460	NEW	95-17-046	246-816-390	REP-P	95-12-068
246-812-010	NEW	95-17-046	246-812-501	NEW-E	95-09-029	246-816-400	REP-P	95-12-068
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246-816-520	REP-P	95-12-068	246-818-040	REP-P	95-12-068	246-838-090	PREP	95-06-018
246-816-530	REP-P	95-12-068	246-818-050	REP-P	95-12-068	246-838-100	PREP	95-06-018
246-816-701	REP-P	95-12-068	246-818-060	REP-P	95-12-068	246-838-140	REP-P	95-12-095
246-816-710	REP-P	95-12-068	246-818-070	REP-P	95-12-068	246-838-150	REP-P	95-12-095
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246-816-730	REP-P	95-12-068	246-818-090	REP-P	95-12-068	246-838-170	REP-P	95-12-095
246-816-740	REP-P	95-12-068	246-818-100	REP-P	95-12-068	246-838-180	REP-P	95-12-095
246-816-990	REP-P	95-12-067	246-818-120	REP-P	95-12-068	246-838-190	REP-P	95-12-095
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246-817-001	NEW-P	95-12-068	246-818-142	REP-P	95-12-068	246-838-220	REP-P	95-12-095
246-817-010	NEW-P	95-12-068	246-818-143	REP-P	95-12-068	246-838-230	REP-P	95-12-095
246-817-015	NEW-P	95-12-068	246-818-150	REP-P	95-12-068	246-838-240	REP-P	95-12-095
246-817-101	NEW-P	95-12-068	246-818-991	REP-P	95-12-067	246-838-990	PREP	95-04-069
246-817-110	NEW-P	95-12-068	246-818-991	REP-P	95-12-068	246-838-990	REP-P	95-08-049
246-817-120	NEW-P	95-12-068	246-818-991	REP	95-16-122	246-838-990	REP	95-12-021
246-817-130	NEW-P	95-12-068	246-828-040	AMD-P	95-11-111	246-839-030	PREP	95-09-058
246-817-135	NEW-P	95-12-068	246-828-070	AMD-P	95-11-111	246-839-080	PREP	95-06-018
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246-817-150	NEW-P	95-12-068	246-828-080	AMD-P	95-11-111	246-839-090	PREP	95-09-058
246-817-160	NEW-P	95-12-068	246-828-090	AMD-P	95-11-111	246-839-505	REP-P	95-12-095
246-817-170	NEW-P	95-12-068	246-828-100	AMD-P	95-11-111	246-839-506	REP-P	95-12-095
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246-817-185	NEW-P	95-12-068	246-828-300	AMD-P	95-11-111	246-839-535	REP-P	95-12-095
246-817-186	NEW-P	95-12-068	246-828-320	AMD-P	95-11-111	246-839-540	REP-P	95-12-095
246-817-201	NEW-P	95-12-068	246-828-360	AMD-P	95-11-111	246-839-545	REP-P	95-12-095
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246-817-310	NEW-P	95-12-068	246-828-410	AMD-P	95-11-111	246-839-560	REP-P	95-12-095
246-817-320	NEW-P	95-12-068	246-828-530	AMD-P	95-11-111	246-839-565	REP-P	95-12-095
246-817-330	NEW-P	95-12-068	246-828-550	AMD-P	95-11-111	246-839-570	REP-P	95-12-095
246-817-340	NEW-P	95-12-068	246-828-560	AMD-P	95-11-111	246-839-575	PREP	95-09-058
246-817-350	NEW-P	95-12-068	246-828-990	AMD-P	95-11-111	246-839-575	REP-P	95-12-095
246-817-360	NEW-P	95-12-068	246-830-005	NEW-P	95-07-013	246-839-990	PREP	95-04-069
246-817-370	NEW-P	95-12-068	246-830-005	NEW	95-11-108	246-839-990	REP-P	95-08-049
246-817-380	NEW-P	95-12-068	246-830-025	NEW-E	95-15-009	246-839-990	REP	95-12-021
246-817-390	NEW-P	95-12-068	246-830-037	NEW-E	95-15-009	246-840-500	NEW-P	95-12-095
246-817-400	NEW-P	95-12-068	246-830-201	AMD-E	95-15-009	246-840-505	NEW-P	95-12-095
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246-817-420	NEW-P	95-12-068	246-830-230	AMD-P	95-07-013	246-840-520	NEW-P	95-12-095
246-817-430	NEW-P	95-12-068	246-830-230	AMD	95-11-108	246-840-525	NEW-P	95-12-095
246-817-501	NEW-P	95-12-068	246-830-230	REP-E	95-15-009	246-840-530	NEW-P	95-12-095
246-817-510	NEW-P	95-12-068	246-830-240	REP-E	95-15-009	246-840-535	NEW-P	95-12-095
246-817-520	NEW-P	95-12-068	246-830-250	REP-E	95-15-009	246-840-540	NEW-P	95-12-095
246-817-530	NEW-P	95-12-068	246-830-255	AMD-E	95-15-009	246-840-545	NEW-P	95-12-095
246-817-540	NEW-P	95-12-068	246-830-260	AMD-E	95-15-009	246-840-550	NEW-P	95-12-095
246-817-550	NEW-P	95-12-068	246-830-270	AMD-E	95-15-009	246-840-555	NEW-P	95-12-095
246-817-560	NEW-P	95-12-068	246-830-280	AMD-E	95-15-009	246-840-560	NEW-P	95-12-095
246-817-570	NEW-P	95-12-068	246-830-401	AMD-P	95-07-013	246-840-565	NEW-P	95-12-095
246-817-601	NEW-P	95-12-068	246-830-401	AMD	95-11-108	246-840-570	NEW-P	95-12-095
246-817-610	NEW-P	95-12-068	246-830-410	REP-P	95-07-013	246-840-575	NEW-P	95-12-095
246-817-620	NEW-P	95-12-068	246-830-410	REP	95-11-108	246-840-990	NEW-P	95-08-049
246-817-630	NEW-P	95-12-068	246-830-420	AMD-P	95-07-013	246-840-990	NEW	95-12-021
246-817-701	NEW-P	95-12-068	246-830-420	AMD	95-11-108	246-843-010	AMD	95-07-128
246-817-710	NEW-P	95-12-068	246-830-420	AMD-E	95-15-009	246-843-090	AMD	95-07-128
246-817-720	NEW-P	95-12-068	246-830-423	NEW-E	95-15-009	246-843-205	AMD	95-07-128
246-817-730	NEW-P	95-12-068	246-830-425	NEW-E	95-15-009	246-843-240	REP	95-07-128
246-817-740	NEW-P	95-12-068	246-830-427	NEW-E	95-15-009	246-843-320	AMD	95-07-128
246-817-750	NEW-P	95-12-068	246-830-430	AMD-P	95-07-013	246-851-060	REP-P	95-11-110
246-817-760	NEW-P	95-12-068	246-830-430	AMD	95-11-108	246-851-060	REP	95-14-114
246-817-770	NEW-P	95-12-068	246-830-440	AMD-P	95-07-013	246-851-070	REP-P	95-11-110
246-817-780	NEW-P	95-12-068	246-830-440	AMD	95-11-108	246-851-070	REP	95-14-114
246-817-790	NEW-P	95-12-068	246-830-450	AMD-P	95-07-013	246-851-080	REP-P	95-11-110
246-817-801	NEW-P	95-12-068	246-830-450	AMD	95-11-108	246-851-480	AMD-P	95-11-110
246-817-810	NEW-P	95-12-068	246-830-475	AMD-P	95-07-013	246-851-490	AMD-P	95-11-110
246-817-820	NEW-P	95-12-068	246-830-475	AMD	95-11-108	246-851-490	AMD	95-14-114
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246-817-990	NEW	95-16-122	246-830-610	AMD	95-11-108	246-851-560	NEW	95-04-084
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246-858-020	AMD-P	95-14-113	250-44-110	AMD-E	95-02-068	284-13-320	REP-P	95-17-121
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246-861-010	AMD	95-08-019	250-44-130	AMD-E	95-02-068	284-13-330	REP-P	95-17-121
246-861-020	AMD	95-08-019	250-44-130	AMD	95-07-087	284-13-340	PREP	95-15-043
246-861-030	REP-W	95-08-062	250-66-020	AMD-P	95-17-087	284-13-340	REP-P	95-17-121
246-861-040	AMD	95-08-019	250-66-040	AMD-P	95-17-087	284-13-350	PREP	95-15-043
246-861-050	AMD	95-08-019	250-66-050	AMD-P	95-17-087	284-13-350	REP-P	95-17-121
246-861-055	NEW	95-08-019	250-79	PREP	95-09-082	284-13-360	PREP	95-15-043
246-861-060	AMD	95-08-019	250-79-010	AMD-P	95-10-061	284-13-360	REP-P	95-17-121
246-861-090	AMD-W	95-08-051	250-79-020	NEW-P	95-10-061	284-13-370	PREP	95-15-043
246-861-090	PREP	95-12-019	251-04-050	AMD-E	95-14-056	284-13-370	REP-P	95-17-121
246-861-090	PREP	95-12-093	251-04-050	AMD-P	95-14-131	284-13-380	PREP	95-15-043
246-861-090	AMD-P	95-16-121	251-04-060	AMD-P	95-10-077	284-13-380	REP-P	95-17-121
246-863-095	NEW-P	95-14-112	251-04-060	AMD-C	95-12-071	284-13-390	PREP	95-15-043
246-869-240	REP-P	95-14-112	251-04-060	AMD-C	95-13-014	284-13-390	REP-P	95-17-121
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246-887-160	PREP	95-07-086	251-06-020	AMD-P	95-14-131	284-13-400	REP-P	95-17-121
246-887-160	AMD-P	95-13-109	251-08-005	AMD-E	95-14-056	284-13-410	PREP	95-15-043
246-891-020	AMD-P	95-04-099	251-08-005	AMD-P	95-14-131	284-13-410	REP-P	95-17-121
246-891-020	AMD	95-08-020	251-08-090	AMD-E	95-14-056	284-13-420	PREP	95-15-043
246-891-030	AMD-P	95-04-099	251-08-090	AMD-P	95-14-131	284-13-420	REP-P	95-17-121
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246-924-080	PREP	95-09-028	251-09-020	AMD-C	95-12-071	284-13-855	NEW-P	95-16-029
246-924-250	PREP	95-09-028	251-09-020	AMD-C	95-13-014	284-13-860	NEW-P	95-16-029
246-924-470	PREP	95-09-028	251-17-010	AMD-P	95-10-079	284-13-863	NEW-P	95-16-029
246-924-500	PREP	95-09-028	251-17-010	AMD-C	95-12-071	284-14-010	PREP	95-15-043
246-924-990	PREP	95-08-050	251-17-010	AMD-C	95-13-014	284-14-010	AMD-P	95-17-121
246-928-015	NEW-P	95-14-110	251-17-020	AMD-P	95-10-080	284-14-020	PREP	95-15-043
246-928-990	PREP	95-10-042	251-17-020	AMD-C	95-12-071	284-14-020	AMD-P	95-17-121
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246-937-040	NEW	95-04-083	251-17-200	AMD-P	95-10-082	284-22-030	AMD-P	95-16-123
246-937-050	NEW	95-04-083	251-17-200	AMD-C	95-12-071	284-24-060	PREP	95-03-077
246-937-060	NEW	95-04-083	251-17-200	AMD-C	95-13-014	284-30	NEW-C	95-06-019
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246-937-080	NEW	95-04-083	251-19-070	AMD-C	95-12-071	284-30-900	NEW-S	95-06-086
246-937-090	NEW	95-04-083	251-19-070	AMD-C	95-13-014	284-30-900	NEW	95-09-014
246-937-100	NEW	95-04-083	251-19-157	AMD-P	95-10-084	284-30-905	NEW-P	95-02-075
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246-976-010	AMD-E	95-13-053	251-22-040	AMD-P	95-10-085	284-30-910	NEW-P	95-02-075
246-976-045	NEW-E	95-13-053	251-22-040	AMD-C	95-12-071	284-30-910	NEW-S	95-06-086
246-976-165	NEW-E	95-13-053	251-22-040	AMD-C	95-13-014	284-30-910	NEW	95-09-014
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250-20-013	NEW	95-17-045	253-16-100	AMD-P	95-12-072	284-30-930	NEW	95-09-014
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250-20-015	AMD	95-17-045	260-12-010	AMD-P	95-07-140	284-30-940	NEW-S	95-06-086
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250-20-021	AMD	95-10-007	260-40-100	PREP	95-05-078	284-30-950	NEW-P	95-02-075
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284-54-030	AMD-P	95-15-082	292-100-080	NEW-E	95-11-068	296-31-010	AMD-P	95-10-091
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296-56-60009	AMD	95-04-007	296-104-030	PREP	95-11-003	296-155-24522	NEW	95-10-016
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296-62-14529	AMD-P	95-09-008	296-155-245	NEW	95-10-016	296-304-02007	AMD	95-04-006
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296-304-02015	NEW	95-04-006	296-305-065	AMD-P	95-15-118	304-12-350	PREP	95-17-020
296-304-03001	AMD	95-04-006	296-305-06501	AMD-P	95-15-118	304-12-370	PREP	95-17-020
296-304-03005	AMD	95-04-006	296-305-06503	AMD-P	95-15-118	304-25	PREP	95-15-111
296-304-03007	AMD	95-04-006	296-305-06505	AMD-P	95-15-118	304-25	PREP	95-17-021
296-304-04001	AMD	95-04-006	296-305-06507	AMD-P	95-15-118	308-12-025	AMD	95-04-080
296-304-04005	AMD	95-04-006	296-305-06509	AMD-P	95-15-118	308-12-083	REP	95-04-080
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296-304-08009	AMD	95-04-006	296-305-06513	AMD-P	95-15-118	308-13-150	AMD-P	95-17-101
296-305-001	AMD-P	95-15-118	296-305-06515	AMD-P	95-15-118	308-17	PREP	95-14-090
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296-305-007	AMD-P	95-15-118	296-305-070	AMD-P	95-15-118	308-56A-030	AMD-P	95-10-054
296-305-010	AMD-P	95-15-118	296-305-07001	AMD-P	95-15-118	308-56A-030	AMD	95-13-058
296-305-01001	NEW-P	95-15-118	296-305-07003	AMD-P	95-15-118	308-56A-090	AMD-P	95-14-075
296-305-01002	NEW-P	95-15-118	296-305-07005	AMD-P	95-15-118	308-56A-090	AMD-W	95-15-105
296-305-01003	NEW-P	95-15-118	296-305-07007	AMD-P	95-15-118	308-88	PREP	95-04-001
296-305-01005	NEW-P	95-15-118	296-305-07009	AMD-P	95-15-118	308-88-010	AMD-P	95-11-078
296-305-01007	NEW-P	95-15-118	296-305-07011	NEW-P	95-15-118	308-88-010	AMD	95-15-028
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296-305-01507	NEW-P	95-15-118	296-305-080	AMD-P	95-15-118	308-88-060	REP	95-15-028
296-305-01509	NEW-P	95-15-118	296-305-08000	NEW-P	95-15-118	308-88-070	REP-P	95-11-078
296-305-01511	NEW-P	95-15-118	296-305-085	AMD-P	95-15-118	308-88-070	REP	95-15-028
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296-305-01515	NEW-P	95-15-118	296-305-095	AMD-P	95-15-118	308-88-080	REP	95-15-028
296-305-01517	NEW-P	95-15-118	296-305-100	AMD-P	95-15-118	308-88-090	REP-P	95-11-078
296-305-017	AMD-P	95-15-118	296-305-105	AMD-P	95-15-118	308-88-090	REP	95-15-028
296-305-020	AMD-P	95-15-118	296-305-110	AMD-P	95-15-118	308-88-100	REP-P	95-11-078
296-305-02001	NEW-P	95-15-118	296-305-115	AMD-P	95-15-118	308-88-100	REP	95-15-028
296-305-02003	NEW-P	95-15-118	296-306-010	AMD	95-10-045	308-88-110	REP-P	95-11-078
296-305-02005	NEW-P	95-15-118	296-306-012	AMD	95-10-045	308-88-110	REP	95-15-028
296-305-02007	NEW-P	95-15-118	296-306-015	AMD	95-10-045	308-88-120	REP-P	95-11-078
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296-305-02019	NEW-P	95-15-118	296-306-080	AMD	95-10-045	308-88-150	REP-P	95-11-078
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296-305-02501	NEW-P	95-15-118	296-306-08501	NEW	95-10-045	308-88-160	REP-P	95-11-078
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296-305-035	AMD-P	95-15-118	296-306-08507	NEW	95-10-045	308-91-150	AMD	95-05-045
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296-305-04507	NEW-P	95-15-118	296-306-09203	NEW-W	95-10-046	308-96A	PREP	95-04-001
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296-305-05007	NEW-P	95-15-118	296-306-140	AMD	95-10-045	308-96A-062	AMD-P	95-14-074
296-305-05009	NEW-P	95-15-118	296-306-155	AMD	95-10-045	308-96A-062	AMD	95-17-127
296-305-05011	NEW-P	95-15-118	296-306-165	AMD	95-10-045	308-96A-180	NEW-P	95-11-078
296-305-05013	NEW-P	95-15-118	296-306-170	AMD	95-10-045	308-96A-180	NEW	95-15-028
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296-305-06005	AMD-P	95-15-118	304-12-010	PREP	95-17-024	308-96A-460	REP	95-08-038
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358-30-010	AMD	95-07-074	374-50-020	AMD-P	95-08-040	388-15-915	NEW-P	95-11-005
358-30-020	AMD-P	95-03-054	374-50-020	AMD	95-11-042	388-15-915	NEW-C	95-14-050
358-30-020	AMD	95-07-074	374-50-030	AMD-E	95-08-039	388-15-915	NEW	95-15-011
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358-30-022	NEW	95-07-074	374-50-030	AMD	95-11-042	388-15-920	NEW-C	95-14-050
358-30-024	NEW-P	95-03-054	374-50-035	NEW-E	95-08-039	388-15-920	NEW	95-15-011
358-30-024	NEW	95-07-074	374-50-035	NEW-P	95-08-040	388-15-925	NEW-P	95-11-005
358-30-026	NEW-P	95-03-054	374-50-035	NEW	95-11-042	388-15-925	NEW-C	95-14-050
358-30-026	NEW	95-07-074	374-50-040	AMD-E	95-08-039	388-15-925	NEW	95-15-011
358-30-028	NEW-P	95-03-054	374-50-040	AMD-P	95-08-040	388-15-935	NEW-P	95-11-005
358-30-028	NEW	95-07-074	374-50-040	AMD	95-11-042	388-15-935	NEW-C	95-14-050
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358-30-060	AMD	95-07-074	374-50-070	AMD-P	95-08-040	388-15-950	NEW-P	95-11-005
358-30-070	AMD-P	95-03-054	374-50-070	AMD	95-11-042	388-15-950	NEW-C	95-14-050
358-30-070	AMD	95-07-074	374-50-080	AMD-E	95-08-039	388-15-950	NEW	95-15-011
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388-86-095	PREP	95-08-043	388-96-384	AMD-P	95-14-120	388-165-100	NEW-P	95-08-044
388-86-098	PREP	95-13-020	388-96-501	AMD-E	95-14-119	388-165-100	NEW	95-11-048
388-86-098	AMD-P	95-14-058	388-96-501	AMD-P	95-14-120	388-165-1000	PREP	95-09-013
388-86-098	AMD-E	95-14-060	388-96-585	AMD-E	95-14-119	388-215-1000	PREP	95-11-066
388-86-098	AMD-W	95-17-086	388-96-585	AMD-P	95-14-120	388-215-1000	AMD-P	95-11-067
388-87	PREP	95-15-008	388-96-704	AMD-E	95-14-119	388-215-1000	AMD	95-14-048
388-87-005	AMD-E	95-16-115	388-96-704	AMD-P	95-14-120	388-215-1130	PREP	95-16-041
388-87-005	AMD-P	95-17-023	388-96-709	AMD-E	95-14-119	388-215-1130	NEW-P	95-16-042
388-87-005	AMD-W	95-17-049	388-96-709	AMD-P	95-14-120	388-215-1130	NEW-E	95-16-045
388-87-020	PREP	95-15-047	388-96-710	AMD-E	95-14-119	388-215-1140	PREP	95-16-041
388-87-020	AMD-E	95-16-114	388-96-710	AMD-P	95-14-120	388-215-1140	NEW-P	95-16-042
388-87-020	AMD-P	95-17-066	388-96-713	AMD-E	95-14-119	388-215-1140	NEW-E	95-16-045
388-87-050	REP-E	95-16-115	388-96-713	AMD-P	95-14-120	388-215-1150	PREP	95-16-041
388-87-050	REP-P	95-17-023	388-96-716	AMD-E	95-14-119	388-215-1150	NEW-P	95-16-042
388-87-050	REP-W	95-17-049	388-96-716	AMD-P	95-14-120	388-215-1150	NEW-E	95-16-045
388-87-072	AMD	95-04-033	388-96-719	AMD-E	95-14-119	388-215-1160	PREP	95-16-041
388-91	PREP	95-15-032	388-96-719	AMD-P	95-14-120	388-215-1160	NEW-P	95-16-042
388-91-005	REP-P	95-16-014	388-96-722	AMD-E	95-14-119	388-215-1160	NEW-E	95-16-045
388-91-005	REP-W	95-17-029	388-96-722	AMD-P	95-14-120	388-215-1170	PREP	95-16-041
388-91-007	PREP	95-13-021	388-96-727	AMD-E	95-14-119	388-215-1170	NEW-P	95-16-042
388-91-007	REP-P	95-14-059	388-96-727	AMD-P	95-14-120	388-215-1170	NEW-E	95-16-045
388-91-007	REP-E	95-14-061	388-96-735	AMD-E	95-14-119	388-215-1510	PREP	95-11-066
388-91-007	REP-P	95-16-014	388-96-735	AMD-P	95-14-120	388-215-1510	NEW-P	95-11-067
388-91-007	REP-W	95-17-029	388-96-737	AMD-E	95-14-119	388-215-1510	NEW	95-14-048
388-91-007	REP	95-17-032	388-96-737	AMD-P	95-14-120	388-216-2150	PREP	95-09-012
388-91-010	PREP	95-13-021	388-96-745	AMD-E	95-14-119	388-216-2150	AMD-P	95-11-050
388-91-010	AMD-P	95-14-059	388-96-745	AMD-P	95-14-120	388-216-2150	AMD	95-14-049
388-91-010	AMD-E	95-14-061	388-96-753	REP-E	95-14-119	388-216-2350	PREP	95-14-081
388-91-010	REP-P	95-16-014	388-96-753	REP-P	95-14-120	388-216-2350	AMD-P	95-16-120
388-91-010	REP-W	95-17-029	388-96-754	AMD-E	95-14-119	388-216-2450	PREP	95-09-012
388-91-010	AMD	95-17-032	388-96-754	AMD-P	95-14-120	388-216-2450	AMD-P	95-11-050
388-91-013	REP-P	95-16-014	388-96-763	AMD-E	95-14-119	388-216-2450	AMD	95-14-049
388-91-013	REP-W	95-17-029	388-96-763	AMD-P	95-14-120	388-216-2650	PREP	95-09-012
388-91-015	REP-P	95-16-014	388-96-765	AMD-E	95-14-119	388-216-2650	AMD-P	95-11-050
388-91-015	REP-W	95-17-029	388-96-765	AMD-P	95-14-120	388-216-2650	AMD	95-14-049
388-91-016	REP-P	95-16-014	388-96-769	AMD-E	95-14-119	388-216-2800	PREP	95-09-012
388-91-016	REP-W	95-17-029	388-96-769	AMD-P	95-14-120	388-216-2800	AMD-P	95-11-050
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388-218-1050	AMD-P	95-11-101	388-300-1400	NEW-P	95-15-001	388-509-0960	AMD	95-05-023
388-218-1050	AMD	95-14-047	388-300-1500	NEW-P	95-15-001	388-509-0960	PREP	95-06-071
388-218-1200	PREP	95-08-023	388-300-1600	NEW-P	95-15-001	388-509-0960	AMD-P	95-08-045
388-218-1200	AMD-P	95-09-035	388-300-1700	NEW-P	95-15-001	388-509-0960	AMD-E	95-08-046
388-218-1200	AMD	95-11-124	388-300-1800	NEW-P	95-15-001	388-509-0960	AMD	95-11-056
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388-218-1350	AMD-P	95-09-035	388-300-2000	NEW-P	95-15-001	388-511-1105	AMD	95-08-070
388-218-1350	AMD	95-11-124	388-300-2100	NEW-P	95-15-001	388-511-1130	AMD-P	95-06-072
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388-218-1450	PREP	95-08-023	388-300-2300	NEW-P	95-15-001	388-511-1140	AMD-P	95-06-072
388-218-1450	AMD-P	95-09-035	388-300-2400	NEW-P	95-15-001	388-511-1140	AMD	95-08-070
388-218-1450	AMD	95-11-124	388-300-2500	NEW-P	95-15-001	388-511-1160	AMD-P	95-06-072
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388-218-1510	PREP	95-11-007	388-300-2700	NEW-P	95-15-001	388-513-1300	NEW-P	95-03-084
388-218-1510	AMD-P	95-11-101	388-300-2800	NEW-P	95-15-001	388-513-1300	NEW	95-06-025
388-218-1510	AMD	95-14-047	388-300-2900	NEW-P	95-15-001	388-513-1315	PREP	95-15-038
388-218-1515	PREP	95-11-007	388-300-3000	NEW-P	95-15-001	388-513-1315	AMD-P	95-16-013
388-218-1515	REP-P	95-11-101	388-300-3100	NEW-P	95-15-001	388-513-1315	AMD-E	95-16-018
388-218-1515	REP	95-14-047	388-300-3200	NEW-P	95-15-001	388-513-1330	PREP	95-07-072
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388-218-1605	PREP	95-08-023	388-300-3400	NEW-P	95-15-001	388-513-1380	AMD	95-05-022
388-218-1605	AMD-P	95-09-035	388-300-3500	NEW-P	95-15-001	388-513-1380	PREP	95-06-071
388-218-1605	AMD	95-11-124	388-300-3600	NEW-P	95-15-001	388-513-1380	AMD-P	95-08-045
388-218-1610	PREP	95-08-023	388-300-3700	NEW-P	95-15-001	388-513-1380	AMD-E	95-08-046
388-218-1610	AMD-P	95-09-035	388-300-3800	NEW-P	95-15-001	388-513-1380	AMD	95-11-045
388-218-1610	AMD	95-11-124	388-300-3900	NEW-P	95-15-001	388-513-1380	PREP	95-14-002
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388-218-1630	AMD-P	95-09-035	388-330	PREP	95-16-057	388-515-1505	PREP	95-12-011
388-218-1630	AMD	95-11-124	388-330-010	AMD-P	95-16-086	388-515-1505	AMD-P	95-17-061
388-218-1680	PREP	95-08-023	388-330-010	AMD-E	95-16-087	388-515-1530	PREP	95-11-077
388-218-1680	AMD-P	95-09-035	388-330-010	RESCIND	95-16-100	388-515-1530	AMD-P	95-15-035
388-218-1680	AMD	95-11-124	388-330-010	AMD-W	95-16-101	388-517-1710	AMD-P	95-11-049
388-218-1695	PREP	95-14-080	388-330-035	NEW-P	95-16-086	388-517-1710	AMD	95-14-046
388-218-1695	AMD-P	95-16-119	388-330-035	NEW-E	95-16-087	388-517-1715	AMD-P	95-11-049
388-218-1730	PREP	95-08-023	388-330-035	RESCIND	95-16-100	388-517-1715	AMD	95-14-046
388-218-1730	AMD-P	95-09-035	388-330-035	NEW-W	95-16-101	388-517-1720	PREP	95-06-071
388-218-1730	AMD	95-11-124	388-500-0005	PREP	95-13-020	388-517-1720	AMD-P	95-08-045
388-219-3000	PREP	95-06-035	388-500-0005	AMD-P	95-14-058	388-517-1720	AMD-E	95-08-046
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388-225-0020	AMD-P	95-08-010	388-500-0005	AMD-W	95-17-086	388-517-1730	AMD-P	95-11-049
388-225-0020	AMD	95-11-046	388-501-0130	PREP	95-17-042	388-517-1730	AMD	95-14-046
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388-225-0300	REP	95-11-046	388-503-0370	PREP	95-13-020	388-517-1740	AMD-P	95-08-045
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388-235-9000	AMD	95-03-048	388-503-0370	AMD-E	95-14-060	388-517-1740	AMD	95-11-056
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388-250-1200	AMD	95-07-123	388-504-0470	PREP	95-14-005	388-517-1750	AMD-P	95-11-049
388-250-1250	PREP	95-17-050	388-505-0580	PREP	95-17-060	388-517-1750	AMD	95-14-046
388-250-1300	PREP	95-17-050	388-505-0590	AMD	95-04-047	388-517-1760	PREP	95-06-071
388-250-1700	AMD	95-03-046	388-505-0590	PREP	95-07-090	388-517-1760	AMD-P	95-08-045
388-250-1700	PREP	95-16-015	388-505-0590	AMD-P	95-13-085	388-517-1760	AMD-E	95-08-046
388-250-1700	AMD-P	95-17-128	388-505-0590	AMD-P	95-14-037	388-517-1760	AMD	95-11-056
388-250-1750	PREP	95-17-050	388-505-0590	AMD-W	95-14-038	388-518-1805	AMD	95-04-049
388-265-1750	PREP	95-09-044	388-505-0590	AMD	95-17-031	388-518-1805	PREP	95-13-020
388-265-1750	AMD-P	95-09-054	388-506-0610	AMD-P	95-07-049	388-518-1805	AMD-P	95-14-058
388-265-1750	AMD-E	95-09-055	388-506-0610	AMD	95-10-025	388-518-1805	AMD-E	95-14-060
388-265-1750	AMD	95-11-119	388-506-0610	PREP	95-15-038	388-518-1805	AMD-W	95-17-086
388-290	PREP	95-13-061	388-506-0610	AMD-P	95-16-013	388-518-1810	PREP	95-13-020
388-290	PREP	95-17-096	388-506-0610	AMD-E	95-16-018	388-518-1810	AMD-P	95-14-058
388-300	PREP	95-08-021	388-507-0710	AMD	95-05-022	388-518-1810	AMD-E	95-14-060
388-300-0100	NEW-P	95-15-001	388-507-0710	PREP	95-08-009	388-518-1810	AMD-W	95-17-086
388-300-0200	NEW-P	95-15-001	388-507-0710	AMD-P	95-13-087	388-518-1840	PREP	95-13-020
388-300-0300	NEW-P	95-15-001	388-507-0710	AMD-W	95-14-038	388-518-1840	AMD-P	95-14-058
388-300-0400	NEW-P	95-15-001	388-508-0805	PREP	95-06-071	388-518-1840	AMD-E	95-14-060
388-300-0500	NEW-P	95-15-001	388-508-0805	AMD-P	95-08-045	388-518-1840	AMD-W	95-17-086
388-300-0600	NEW-P	95-15-001	388-508-0805	AMD-E	95-08-046	388-519-1905	PREP	95-13-020
388-300-0700	NEW-P	95-15-001	388-508-0805	AMD	95-11-045	388-519-1905	AMD-P	95-14-058
388-300-0800	NEW-P	95-15-001	388-508-0820	AMD-P	95-13-086	388-519-1905	AMD-E	95-14-060
388-300-0900	NEW-P	95-15-001	388-508-0820	AMD	95-16-058	388-519-1905	AMD-W	95-17-086
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388-300-1100	NEW-P	95-15-001	388-509-0920	AMD-P	95-08-045	388-521-2140	AMD-P	95-14-058
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388-522-2230	AMD-P	95-12-031	388-535-1050	NEW-P	95-17-023	392-122-221	AMD	95-08-025
388-522-2230	AMD	95-15-039	388-535-1050	NEW-W	95-17-049	392-122-230	AMD-P	95-05-020
388-527-2710	REP-P	95-14-116	388-535-1100	NEW-E	95-16-115	392-122-230	AMD	95-08-025
388-527-2710	REP-E	95-14-117	388-535-1100	NEW-P	95-17-023	392-122-260	REP-P	95-05-020
388-527-2710	REP-C	95-17-030	388-535-1100	NEW-W	95-17-049	392-122-260	REP	95-08-025
388-527-2720	REP-P	95-14-116	388-535-1150	NEW-E	95-16-115	392-122-275	AMD-P	95-05-020
388-527-2720	REP-E	95-14-117	388-535-1150	NEW-P	95-17-023	392-122-275	AMD	95-08-025
388-527-2720	REP-C	95-17-030	388-535-1150	NEW-W	95-17-049	392-122-900	PREP	95-13-081
388-527-2730	NEW-P	95-14-116	388-535-1200	NEW-E	95-16-115	392-122-900	AMD-P	95-15-029
388-527-2730	NEW-E	95-14-117	388-535-1200	NEW-P	95-17-023	392-122-900	AMD-E	95-15-030
388-527-2730	NEW-C	95-17-030	388-535-1200	NEW-W	95-17-049	392-123-054	PREP	95-11-024
388-527-2740	NEW-P	95-14-116	388-535-1250	NEW-E	95-16-115	392-127	PREP	95-14-013
388-527-2740	NEW-E	95-14-117	388-535-1250	NEW-P	95-17-023	392-135	PREP	95-14-012
388-527-2740	NEW-C	95-17-030	388-535-1250	NEW-W	95-17-049	392-139	PREP	95-14-011
388-527-2742	NEW-P	95-14-116	388-535-1300	NEW-E	95-16-115	392-140	PREP	95-14-009
388-527-2742	NEW-E	95-14-117	388-535-1300	NEW-P	95-17-023	392-140	PREP	95-14-010
388-527-2742	NEW-C	95-17-030	388-535-1300	NEW-W	95-17-049	392-140-500	PREP	95-11-004
388-527-2744	NEW-P	95-14-116	388-535-1350	NEW-E	95-16-115	392-140-570	NEW-P	95-15-054
388-527-2744	NEW-E	95-14-117	388-535-1350	NEW-P	95-17-023	392-140-571	NEW-P	95-15-054
388-527-2744	NEW-C	95-17-030	388-535-1350	NEW-W	95-17-049	392-140-572	NEW-P	95-15-054
388-527-2770	NEW-P	95-14-116	388-535-1400	NEW-E	95-16-115	392-140-573	NEW-P	95-15-054
388-527-2770	NEW-E	95-14-117	388-535-1400	NEW-P	95-17-023	392-140-574	NEW-P	95-15-054
388-527-2770	NEW-C	95-17-030	388-535-1400	NEW-W	95-17-049	392-140-575	NEW-P	95-15-054
388-527-2790	NEW-P	95-14-116	388-535-1450	NEW-E	95-16-115	392-140-576	NEW-P	95-15-054
388-527-2790	NEW-E	95-14-117	388-535-1450	NEW-P	95-17-023	392-140-577	NEW-P	95-15-054
388-527-2790	NEW-C	95-17-030	388-535-1450	NEW-W	95-17-049	392-140-578	NEW-P	95-15-054
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388-529-2950	AMD-P	95-14-058	388-535-1500	NEW-P	95-17-023	392-140-581	NEW-P	95-15-054
388-529-2950	AMD-E	95-14-060	388-535-1500	NEW-W	95-17-049	392-140-582	NEW-P	95-15-054
388-529-2950	AMD-W	95-17-086	388-535-1550	NEW-E	95-16-115	392-140-583	NEW-P	95-15-054
388-530-1000	NEW-P	95-16-014	388-535-1550	NEW-P	95-17-023	392-140-584	NEW-P	95-15-054
388-530-1000	NEW-W	95-17-029	388-535-1550	NEW-W	95-17-049	392-140-585	NEW-P	95-15-054
388-530-1050	NEW-P	95-16-014	388-538	PREP	95-12-033	392-140-586	NEW-P	95-15-054
388-530-1050	NEW-W	95-17-029	388-538-050	AMD-P	95-15-023	392-140-588	NEW-P	95-15-054
388-530-1100	NEW-P	95-16-014	388-538-060	AMD-P	95-15-023	392-140-590	NEW-P	95-15-054
388-530-1100	NEW-W	95-17-029	388-538-070	AMD-P	95-15-023	392-140-592	NEW-P	95-15-054
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388-530-1250	NEW-P	95-16-014	388-538-100	AMD-P	95-15-023	392-141-151	NEW-P	95-15-075
388-530-1250	NEW-W	95-17-029	388-538-110	AMD-P	95-15-023	392-141-170	AMD-P	95-15-075
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388-530-1300	NEW-W	95-17-029	388-538-130	AMD-P	95-15-023	392-141-185	AMD-P	95-15-075
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388-530-1400	NEW-P	95-16-014	390-05-190	AMD-E	95-14-076	392-142-005	AMD-E	95-17-012
388-530-1400	NEW-W	95-17-029	390-05-210	AMD-E	95-14-076	392-142-010	AMD-P	95-13-100
388-530-1450	NEW-P	95-16-014	390-05-245	NEW-E	95-14-076	392-142-010	AMD	95-17-011
388-530-1450	NEW-W	95-17-029	390-16-038	AMD-E	95-14-076	392-142-010	AMD-E	95-17-012
388-530-1500	NEW-P	95-16-014	390-16-313	NEW-E	95-14-076	392-142-095	AMD-P	95-13-100
388-530-1500	NEW-W	95-17-029	390-16-314	NEW-E	95-14-076	392-142-095	AMD	95-17-011
388-530-1550	NEW-P	95-16-014	390-17-050	REP-E	95-14-076	392-142-095	AMD-E	95-17-012
388-530-1550	NEW-W	95-17-029	390-17-052	REP-E	95-14-076	392-142-115	AMD-P	95-13-100
388-530-1600	NEW-P	95-16-014	391-35-300	NEW-E	95-07-026	392-142-115	AMD	95-17-011
388-530-1600	NEW-W	95-17-029	391-45-431	REP-E	95-06-087	392-142-115	AMD-E	95-17-012
388-530-1650	NEW-P	95-16-014	391-45-560	NEW-E	95-07-026	392-142-125	AMD-P	95-13-100
388-530-1650	NEW-W	95-17-029	392-121	PREP	95-10-032	392-142-125	AMD	95-17-011
388-530-1700	NEW-P	95-16-014	392-121	PREP	95-14-015	392-142-125	AMD-E	95-17-012
388-530-1700	NEW-W	95-17-029	392-121	PREP	95-15-090	392-142-130	AMD-P	95-13-100
388-530-1750	NEW-P	95-16-014	392-121-106	AMD-E	95-04-055	392-142-130	AMD	95-17-011
388-530-1750	NEW-W	95-17-029	392-121-106	AMD-P	95-06-059	392-142-130	AMD-E	95-17-012
388-530-1800	NEW-P	95-16-014	392-121-106	AMD	95-10-011	392-142-135	AMD-P	95-13-100
388-530-1800	NEW-W	95-17-029	392-121-107	AMD-P	95-14-140	392-142-135	AMD	95-17-011
388-530-1850	NEW-P	95-16-014	392-121-182	AMD-P	95-14-140	392-142-135	AMD-E	95-17-012
388-530-1850	NEW-W	95-17-029	392-121-188	AMD-P	95-14-140	392-142-155	AMD-P	95-13-100
388-530-1900	NEW-P	95-16-014	392-122	PREP	95-14-014	392-142-155	AMD	95-17-011
388-530-1900	NEW-W	95-17-029	392-122	PREP	95-15-089	392-142-155	AMD-E	95-17-012
388-535	PREP	95-15-008	392-122-205	AMD-P	95-05-020	392-142-162	NEW-P	95-13-100
388-535-1000	NEW-E	95-16-115	392-122-205	AMD	95-08-025	392-142-162	NEW	95-17-011
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392-142-163	NEW	95-17-011	392-169-065	AMD-P	95-06-084	392-171-471	REP-P	95-15-114
392-142-163	NEW-E	95-17-012	392-169-065	AMD	95-09-042	392-171-476	REP-P	95-15-114
392-142-165	AMD-P	95-13-100	392-169-075	AMD-P	95-06-084	392-171-481	REP-P	95-15-114
392-142-165	AMD	95-17-011	392-169-075	AMD	95-09-042	392-171-486	REP-P	95-15-114
392-142-165	AMD-E	95-17-012	392-169-080	AMD-P	95-06-084	392-171-491	REP-P	95-15-114
392-142-170	AMD-P	95-13-100	392-169-080	AMD	95-09-042	392-171-496	REP-P	95-15-114
392-142-170	AMD	95-17-011	392-169-085	AMD-P	95-06-084	392-171-501	REP-P	95-15-114
392-142-170	AMD-E	95-17-012	392-169-085	AMD	95-09-042	392-171-504	REP-P	95-15-114
392-142-175	REP-P	95-13-100	392-169-090	AMD-P	95-06-084	392-171-506	REP-P	95-15-114
392-142-175	REP	95-17-011	392-169-090	AMD	95-09-042	392-171-507	REP-P	95-15-114
392-142-175	REP-E	95-17-012	392-169-100	AMD-P	95-06-084	392-171-508	REP-P	95-15-114
392-142-205	AMD-P	95-13-100	392-169-100	AMD	95-09-042	392-171-509	REP-P	95-15-114
392-142-205	AMD	95-17-011	392-169-105	AMD-P	95-06-084	392-171-511	REP-P	95-15-114
392-142-205	AMD-E	95-17-012	392-169-105	AMD	95-09-042	392-171-512	REP-P	95-15-114
392-142-210	AMD-P	95-13-100	392-169-110	AMD-P	95-06-084	392-171-513	REP-P	95-15-114
392-142-210	AMD	95-17-011	392-169-110	AMD	95-09-042	392-171-514	REP-P	95-15-114
392-142-210	AMD-E	95-17-012	392-169-115	AMD-P	95-06-084	392-171-516	REP-P	95-15-114
392-142-212	NEW-P	95-13-100	392-169-115	AMD	95-09-042	392-171-517	REP-P	95-15-114
392-142-212	NEW	95-17-011	392-169-120	AMD-P	95-06-084	392-171-518	REP-P	95-15-114
392-142-212	NEW-E	95-17-012	392-169-120	AMD	95-09-042	392-171-519	REP-P	95-15-114
392-142-213	NEW-P	95-13-100	392-169-125	AMD-P	95-06-084	392-171-521	REP-P	95-15-114
392-142-213	NEW	95-17-011	392-169-125	AMD	95-09-042	392-171-522	REP-P	95-15-114
392-142-213	NEW-E	95-17-012	392-171	PREP	95-04-089	392-171-524	REP-P	95-15-114
392-142-240	AMD-P	95-13-100	392-171	PREP	95-10-050	392-171-526	REP-P	95-15-114
392-142-240	AMD	95-17-011	392-171-295	REP-P	95-15-114	392-171-531	REP-P	95-15-114
392-142-240	AMD-E	95-17-012	392-171-300	REP-P	95-15-114	392-171-533	REP-P	95-15-114
392-142-265	AMD-P	95-13-100	392-171-305	REP-P	95-15-114	392-171-536	REP-P	95-15-114
392-142-265	AMD	95-17-011	392-171-310	REP-P	95-15-114	392-171-551	REP-P	95-15-114
392-142-265	AMD-E	95-17-012	392-171-311	REP-P	95-15-114	392-171-556	REP-P	95-15-114
392-162	PREP	95-15-052	392-171-315	REP-P	95-15-114	392-171-559	REP-P	95-15-114
392-162-042	REP-P	95-15-076	392-171-320	REP-P	95-15-114	392-171-561	REP-P	95-15-114
392-162-043	NEW-P	95-15-076	392-171-321	REP-P	95-15-114	392-171-564	REP-P	95-15-114
392-162-044	REP-P	95-15-076	392-171-322	REP-P	95-15-114	392-171-576	REP-P	95-15-114
392-162-049	AMD-P	95-15-076	392-171-323	REP-P	95-15-114	392-171-581	REP-P	95-15-114
392-162-052	AMD-P	95-15-076	392-171-324	REP-P	95-15-114	392-171-586	REP-P	95-15-114
392-162-055	REP-P	95-15-076	392-171-325	REP-P	95-15-114	392-171-591	REP-P	95-15-114
392-162-057	AMD-P	95-15-076	392-171-331	REP-P	95-15-114	392-171-593	REP-P	95-15-114
392-162-062	AMD-P	95-15-076	392-171-336	REP-P	95-15-114	392-171-596	REP-P	95-15-114
392-162-067	AMD-P	95-15-076	392-171-341	REP-P	95-15-114	392-171-601	REP-P	95-15-114
392-162-070	REP-P	95-15-076	392-171-346	REP-P	95-15-114	392-171-606	REP-P	95-15-114
392-162-075	AMD-P	95-15-076	392-171-351	REP-P	95-15-114	392-171-611	REP-P	95-15-114
392-162-080	AMD-P	95-15-076	392-171-358	REP-P	95-15-114	392-171-616	REP-P	95-15-114
392-162-085	AMD-P	95-15-076	392-171-361	REP-P	95-15-114	392-171-621	REP-P	95-15-114
392-162-095	AMD-P	95-15-076	392-171-366	REP-P	95-15-114	392-171-626	REP-P	95-15-114
392-162-105	PREP	95-15-051	392-171-371	REP-P	95-15-114	392-171-631	REP-P	95-15-114
392-162-105	AMD-P	95-15-053	392-171-376	REP-P	95-15-114	392-171-636	REP-P	95-15-114
392-162-110	AMD-P	95-15-076	392-171-381	REP-P	95-15-114	392-171-641	REP-P	95-15-114
392-169-005	AMD-P	95-06-084	392-171-382	REP-P	95-15-114	392-171-646	REP-P	95-15-114
392-169-005	AMD	95-09-042	392-171-383	REP-P	95-15-114	392-171-651	REP-P	95-15-114
392-169-015	AMD-P	95-06-084	392-171-386	REP-P	95-15-114	392-171-656	REP-P	95-15-114
392-169-015	AMD	95-09-042	392-171-391	REP-P	95-15-114	392-171-661	REP-P	95-15-114
392-169-020	AMD-P	95-06-084	392-171-396	REP-P	95-15-114	392-171-666	REP-P	95-15-114
392-169-020	AMD	95-09-042	392-171-401	REP-P	95-15-114	392-171-671	REP-P	95-15-114
392-169-022	AMD-P	95-06-084	392-171-406	REP-P	95-15-114	392-171-676	REP-P	95-15-114
392-169-022	AMD	95-09-042	392-171-411	REP-P	95-15-114	392-171-681	REP-P	95-15-114
392-169-023	AMD-P	95-06-084	392-171-412	REP-P	95-15-114	392-171-686	REP-P	95-15-114
392-169-023	AMD	95-09-042	392-171-413	REP-P	95-15-114	392-171-688	REP-P	95-15-114
392-169-025	AMD-P	95-06-084	392-171-418	REP-P	95-15-114	392-171-691	REP-P	95-15-114
392-169-025	AMD	95-09-042	392-171-421	REP-P	95-15-114	392-171-696	REP-P	95-15-114
392-169-033	NEW-P	95-06-084	392-171-431	REP-P	95-15-114	392-171-701	REP-P	95-15-114
392-169-033	NEW	95-09-042	392-171-436	REP-P	95-15-114	392-171-706	REP-P	95-15-114
392-169-035	REP-P	95-06-084	392-171-441	REP-P	95-15-114	392-171-711	REP-P	95-15-114
392-169-035	REP	95-09-042	392-171-446	REP-P	95-15-114	392-171-716	REP-P	95-15-114
392-169-045	AMD-P	95-06-084	392-171-451	REP-P	95-15-114	392-171-721	REP-P	95-15-114
392-169-045	AMD	95-09-042	392-171-452	REP-P	95-15-114	392-171-726	REP-P	95-15-114
392-169-050	AMD-P	95-06-084	392-171-454	REP-P	95-15-114	392-171-728	REP-P	95-15-114
392-169-050	AMD	95-09-042	392-171-456	REP-P	95-15-114	392-171-731	REP-P	95-15-114
392-169-055	AMD-P	95-06-084	392-171-457	REP-P	95-15-114	392-171-736	REP-P	95-15-114
392-169-055	AMD	95-09-042	392-171-461	REP-P	95-15-114	392-171-741	REP-P	95-15-114
392-169-057	AMD-P	95-06-084	392-171-462	REP-P	95-15-114	392-171-746	REP-P	95-15-114
392-169-057	AMD	95-09-042	392-171-463	REP-P	95-15-114	392-171-751	REP-P	95-15-114
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415-104-0120	NEW-P	95-09-069	415-112-0162	NEW	95-16-053	419-18-030	AMD	95-06-066
415-104-0120	NEW	95-16-053	415-112-0163	NEW-P	95-09-069	419-18-040	AMD-P	95-03-091
415-104-0121	NEW-P	95-09-069	415-112-0163	NEW	95-16-053	419-18-040	AMD	95-06-066
415-104-0121	NEW	95-16-053	415-112-0164	NEW-P	95-09-069	419-18-045	NEW-P	95-03-091
415-104-0122	NEW-P	95-09-069	415-112-0165	NEW-P	95-09-069	419-18-045	NEW	95-06-066
415-104-0122	NEW	95-16-053	415-112-0165	NEW	95-16-053	419-18-050	AMD-P	95-03-091
415-104-224	NEW-P	95-09-069	415-112-0166	NEW-P	95-09-069	419-18-050	AMD	95-06-066
415-104-224	NEW	95-16-053	415-112-0167	NEW-P	95-09-069	419-18-060	AMD-P	95-03-091
415-104-225	NEW-P	95-09-069	415-112-0167	NEW	95-16-053	419-18-060	AMD	95-06-066
415-104-225	NEW	95-16-053	415-112-119	NEW-P	95-09-069	419-18-070	AMD-P	95-03-091
415-104-235	NEW-P	95-09-069	415-112-119	NEW	95-16-053	419-18-070	AMD	95-06-066
415-104-235	NEW	95-16-053	415-112-120	NEW-P	95-09-069	419-18-080	NEW-P	95-03-091
415-104-245	NEW-P	95-09-069	415-112-120	NEW	95-16-053	419-18-080	NEW	95-06-066
415-104-245	NEW	95-16-053	415-112-125	NEW-P	95-09-069	419-70-010	REP	95-09-049
415-108-010	AMD-P	95-09-069	415-112-125	NEW	95-16-053	419-70-020	REP	95-09-049
415-108-010	AMD	95-16-053	415-112-130	NEW-P	95-09-069	419-70-030	REP	95-09-049
415-108-0101	NEW-P	95-09-069	415-112-130	NEW	95-16-053	419-70-040	REP	95-09-049
415-108-0101	NEW	95-16-053	415-112-135	NEW-P	95-09-069	419-70-050	REP	95-09-049
415-108-0102	NEW-P	95-09-069	415-112-135	NEW	95-16-053	419-72-010	AMD	95-09-049
415-108-0102	NEW	95-16-053	415-112-140	NEW-P	95-09-069	419-72-012	NEW	95-09-049
415-108-0103	NEW-P	95-09-069	415-112-140	NEW	95-16-053	419-72-015	AMD	95-09-049
415-108-0103	NEW	95-16-053	415-112-145	NEW-P	95-09-069	419-72-020	AMD	95-09-049
415-108-0104	NEW-P	95-09-069	415-112-145	NEW	95-16-053	419-72-025	AMD	95-09-049
415-108-0104	NEW	95-16-053	415-112-155	NEW-P	95-09-069	419-72-030	REP	95-09-049
415-108-0105	NEW-P	95-09-069	415-112-155	NEW	95-16-053	419-72-035	REP	95-09-049
415-108-0105	NEW	95-16-053	415-112-409	NEW-W	95-02-058	419-72-040	REP	95-09-049
415-108-0106	NEW-P	95-09-069	415-113-005	NEW	95-03-001	419-72-041	NEW	95-09-049
415-108-0106	NEW	95-16-053	415-113-010	REP	95-03-001	419-72-045	AMD	95-09-049
415-108-0107	NEW-P	95-09-069	415-113-020	REP	95-03-001	419-72-050	AMD	95-09-049
415-108-0107	NEW	95-16-053	415-113-030	AMD	95-03-001	419-72-055	REP	95-09-049
415-108-0108	NEW-P	95-09-069	415-113-0301	NEW	95-03-001	419-72-060	AMD	95-09-049
415-108-0108	NEW	95-16-053	415-113-0302	NEW	95-03-001	419-72-065	AMD	95-09-049
415-108-0109	NEW-P	95-09-069	415-113-0303	NEW	95-03-001	419-72-068	NEW-W	95-02-059
415-108-0109	NEW	95-16-053	415-113-0304	NEW	95-03-001	419-72-070	AMD	95-09-049
415-108-679	NEW-P	95-09-069	415-113-0305	NEW	95-03-001	419-72-075	AMD	95-09-049
415-108-679	NEW	95-16-053	415-113-0306	NEW	95-03-001	419-72-080	AMD	95-09-049
415-108-680	NEW-P	95-09-069	415-113-0307	NEW	95-03-001	419-72-090	REP	95-09-049
415-108-680	NEW	95-16-053	415-113-0308	NEW	95-03-001	419-72-095	REP	95-09-049
415-108-690	NEW-P	95-09-069	415-113-0309	NEW	95-03-001	434-09-020	AMD-E	95-05-050
415-108-690	NEW	95-16-053	415-113-0310	NEW	95-03-001	434-09-030	AMD-E	95-05-050
415-108-700	NEW-P	95-09-069	415-113-040	REP	95-03-001	434-09-040	AMD-E	95-05-050
415-108-700	NEW	95-16-053	415-113-041	NEW	95-03-001	434-09-050	AMD-E	95-05-050
415-108-710	NEW-P	95-09-069	415-113-042	NEW	95-03-001	434-09-060	AMD-E	95-05-050
415-108-710	NEW	95-16-053	415-113-045	NEW	95-03-001	434-09-070	AMD-E	95-05-050
415-108-720	NEW-P	95-09-069	415-113-050	REP	95-03-001	434-09-080	AMD-E	95-05-050
415-108-720	NEW	95-16-053	415-113-055	NEW	95-03-001	434-09-090	AMD-E	95-05-050
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415-108-725	NEW	95-16-053	415-113-059	NEW	95-03-001	434-55-065	AMD	95-16-130
415-108-726	NEW-P	95-09-069	415-113-060	REP	95-03-001	434-110-075	AMD-P	95-12-099
415-108-726	NEW	95-16-053	415-113-065	NEW	95-03-001	434-110-075	AMD	95-16-130
415-108-728	NEW-P	95-09-069	415-113-070	NEW	95-03-001	434-120-025	PREP	95-06-049
415-108-728	NEW	95-16-053	415-113-080	NEW	95-03-001	434-120-025	AMD-P	95-08-073
415-112-015	AMD-P	95-09-069	415-113-082	NEW	95-03-001	434-120-025	AMD	95-11-135
415-112-015	AMD	95-16-053	415-113-084	NEW	95-03-001	434-120-103	NEW-P	95-08-073
415-112-0151	NEW-P	95-09-069	415-113-090	NEW	95-03-001	434-120-103	NEW	95-11-135
415-112-0151	NEW	95-16-053	415-113-100	NEW	95-03-001	434-120-105	PREP	95-06-049
415-112-0152	NEW-P	95-09-069	415-115-030	AMD-P	95-09-068	434-120-105	AMD-P	95-08-073
415-112-0152	NEW	95-16-053	415-115-030	AMD	95-12-058	434-120-105	AMD-C	95-12-017
415-112-0153	NEW-P	95-09-069	415-115-050	AMD-P	95-09-068	434-120-125	PREP	95-06-049
415-112-0154	NEW-P	95-09-069	415-115-050	AMD	95-12-058	434-120-125	AMD-P	95-08-073
415-112-0154	NEW	95-16-053	415-115-060	AMD-P	95-09-068	434-120-125	AMD	95-11-135
415-112-0155	NEW-P	95-09-069	415-115-060	AMD	95-12-058	434-120-130	PREP	95-06-049
415-112-0156	NEW-P	95-09-069	415-115-070	AMD-P	95-09-068	434-120-130	AMD-P	95-08-073
415-112-0156	NEW	95-16-053	415-115-070	AMD	95-12-058	434-120-130	AMD-C	95-12-017
415-112-0157	NEW-P	95-09-069	415-115-080	AMD-P	95-09-068	434-120-140	PREP	95-06-049
415-112-0157	NEW	95-16-053	415-115-080	AMD	95-12-058	434-120-140	AMD-P	95-08-073
415-112-0158	NEW-P	95-09-069	415-115-120	AMD-P	95-09-068	434-120-140	AMD	95-11-135
415-112-0158	NEW	95-16-053	415-115-120	AMD	95-12-058	434-120-145	PREP	95-06-049
415-112-0159	NEW-P	95-09-069	419-18	AMD-P	95-03-091	434-120-145	AMD-P	95-08-073
415-112-0159	NEW	95-16-053	419-18	AMD	95-06-066	434-120-145	AMD	95-11-135
415-112-0161	NEW-P	95-09-069	419-18-020	AMD-P	95-03-091	434-120-200	NEW-P	95-08-073
415-112-0161	NEW	95-16-053	419-18-020	AMD	95-06-066	434-120-200	NEW	95-11-135

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-120-210	PREP	95-06-049	434-135-150	NEW	95-16-131	458-08-020	REP	95-07-067
434-120-215	PREP	95-06-049	434-135-160	PREP	95-11-133	458-08-030	REP-P	95-04-051
434-120-215	AMD-P	95-08-073	434-135-160	NEW-P	95-12-101	458-08-030	REP	95-07-067
434-120-215	AMD	95-11-135	434-135-160	NEW	95-16-131	458-08-040	REP-P	95-04-051
434-120-218	NEW-P	95-08-073	434-135-170	PREP	95-11-133	458-08-040	REP	95-07-067
434-120-218	NEW	95-11-135	434-135-170	NEW-P	95-12-101	458-08-050	REP-P	95-04-051
434-120-240	PREP	95-06-049	434-135-170	NEW	95-16-131	458-08-050	REP	95-07-067
434-120-255	PREP	95-06-049	434-135-180	PREP	95-11-133	458-08-060	REP-P	95-04-051
434-120-255	AMD-P	95-08-073	434-135-190	PREP	95-11-133	458-08-060	REP	95-07-067
434-120-255	AMD-C	95-12-017	434-135-190	NEW-P	95-12-101	458-08-070	REP-P	95-04-051
434-120-260	PREP	95-06-049	434-135-190	NEW	95-16-131	458-08-070	REP	95-07-067
434-120-260	AMD-P	95-08-073	446-10-030	PREP	95-16-028	458-08-080	REP-P	95-04-051
434-120-260	AMD	95-11-135	446-65-010	AMD-E	95-08-048	458-08-080	REP	95-07-067
434-120-265	PREP	95-06-049	446-65-010	PREP	95-09-075	458-08-090	REP-P	95-04-051
434-120-265	AMD-P	95-08-073	446-65-010	AMD-P	95-10-058	458-08-090	REP	95-07-067
434-120-265	AMD	95-11-135	446-65-010	AMD	95-13-080	458-08-100	REP-P	95-04-051
434-120-300	PREP	95-06-050	446-65-020	NEW-E	95-08-048	458-08-100	REP	95-07-067
434-120-300	AMD-P	95-08-072	446-65-020	PREP	95-09-075	458-08-110	REP-P	95-04-051
434-120-300	AMD	95-11-135	446-65-020	NEW-P	95-10-058	458-08-110	REP	95-07-067
434-120-305	PREP	95-06-050	446-65-020	NEW	95-13-080	458-08-120	REP-P	95-04-051
434-120-305	AMD-P	95-08-072	448-13-020	AMD-P	95-16-118	458-08-120	REP	95-07-067
434-120-305	AMD	95-11-135	448-13-030	AMD-P	95-16-118	458-08-130	REP-P	95-04-051
434-120-310	PREP	95-06-050	448-13-050	AMD-P	95-16-118	458-08-130	REP	95-07-067
434-120-310	AMD-P	95-08-072	448-13-055	NEW-P	95-16-118	458-08-140	REP-P	95-04-051
434-120-310	AMD	95-11-135	448-13-060	AMD-P	95-16-118	458-08-140	REP	95-07-067
434-120-315	PREP	95-06-050	448-13-065	NEW-P	95-16-118	458-08-150	REP-P	95-04-051
434-120-315	NEW-P	95-08-072	448-13-070	AMD-P	95-16-118	458-08-150	REP	95-07-067
434-120-315	NEW	95-11-135	448-13-080	AMD-P	95-16-118	458-08-160	REP-P	95-04-051
434-120-317	PREP	95-06-050	448-13-090	AMD-P	95-16-118	458-08-160	REP	95-07-067
434-120-317	NEW-P	95-08-072	448-13-100	AMD-P	95-16-118	458-08-170	REP-P	95-04-051
434-120-317	NEW	95-11-135	448-13-110	AMD-P	95-16-118	458-08-170	REP	95-07-067
434-120-330	PREP	95-06-050	448-13-130	AMD-P	95-16-118	458-08-180	REP-P	95-04-051
434-120-330	AMD-P	95-08-072	448-13-140	AMD-P	95-16-118	458-08-180	REP	95-07-067
434-120-330	AMD	95-11-135	448-13-150	AMD-P	95-16-118	458-08-190	REP-P	95-04-051
434-120-335	PREP	95-06-050	448-13-160	AMD-P	95-16-118	458-08-190	REP	95-07-067
434-120-335	AMD-P	95-08-072	448-13-170	AMD-P	95-16-118	458-08-200	REP-P	95-04-051
434-120-335	AMD	95-11-135	448-13-200	AMD-P	95-16-118	458-08-200	REP	95-07-067
434-135-010	PREP	95-11-133	448-13-210	AMD-P	95-16-118	458-08-210	REP-P	95-04-051
434-135-010	NEW-P	95-12-101	448-13-220	AMD-P	95-16-118	458-08-210	REP	95-07-067
434-135-010	NEW	95-16-131	456-09-110	AMD	95-05-033	458-08-220	REP-P	95-04-051
434-135-020	PREP	95-11-133	456-09-130	AMD	95-05-033	458-08-220	REP	95-07-067
434-135-020	NEW-P	95-12-101	456-09-230	AMD	95-05-033	458-08-230	REP-P	95-04-051
434-135-020	NEW	95-16-131	456-09-320	AMD	95-05-033	458-08-230	REP	95-07-067
434-135-030	PREP	95-11-133	456-09-325	AMD	95-05-033	458-08-240	REP-P	95-04-051
434-135-030	NEW-P	95-12-101	456-09-330	AMD	95-05-033	458-08-240	REP	95-07-067
434-135-030	NEW	95-16-131	456-09-340	AMD	95-05-033	458-08-250	REP-P	95-04-051
434-135-040	PREP	95-11-133	456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067
434-135-040	NEW-P	95-12-101	456-09-365	AMD	95-05-033	458-08-260	REP-P	95-04-051
434-135-040	NEW	95-16-131	456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067
434-135-050	PREP	95-11-133	456-09-705	AMD	95-05-033	458-08-270	REP-P	95-04-051
434-135-050	NEW-P	95-12-101	456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067
434-135-050	NEW	95-16-131	456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139
434-135-060	PREP	95-11-133	456-09-730	AMD	95-05-033	458-14-005	AMD-P	95-12-087
434-135-060	NEW-P	95-12-101	456-09-930	AMD	95-05-033	458-14-005	AMD	95-17-099
434-135-060	NEW	95-16-131	456-09-935	AMD	95-05-033	458-14-015	PREP	95-07-139
434-135-070	PREP	95-11-133	456-09-945	AMD	95-05-033	458-14-015	AMD-P	95-12-087
434-135-070	NEW-P	95-12-101	456-09-955	AMD	95-05-033	458-14-015	AMD	95-17-099
434-135-070	NEW	95-16-131	456-10-110	AMD	95-05-032	458-14-056	PREP	95-07-139
434-135-080	PREP	95-11-133	456-10-140	AMD	95-05-032	458-14-056	AMD-P	95-12-087
434-135-080	NEW-P	95-12-101	456-10-320	AMD	95-05-032	458-14-056	AMD	95-17-099
434-135-080	NEW	95-16-131	456-10-325	AMD	95-05-032	458-14-066	PREP	95-07-139
434-135-090	PREP	95-11-133	456-10-330	AMD	95-05-032	458-14-066	AMD-P	95-12-087
434-135-090	NEW-P	95-12-101	456-10-340	AMD	95-05-032	458-14-066	AMD	95-17-099
434-135-090	NEW	95-16-131	456-10-360	AMD	95-05-032	458-14-116	PREP	95-07-139
434-135-100	PREP	95-11-133	456-10-505	AMD	95-05-032	458-14-116	AMD-P	95-12-086
434-135-110	PREP	95-11-133	456-10-510	AMD	95-05-032	458-14-116	AMD	95-17-099
434-135-120	PREP	95-11-133	456-10-525	AMD	95-05-032	458-14-127	PREP	95-07-139
434-135-120	NEW-P	95-12-101	456-10-530	AMD	95-05-032	458-14-127	AMD-P	95-12-086
434-135-120	NEW	95-16-131	456-10-730	AMD	95-05-032	458-14-127	AMD	95-17-099
434-135-130	PREP	95-11-133	456-10-755	AMD	95-05-032	458-14-146	PREP	95-07-139
434-135-140	PREP	95-11-133	458-08-010	REP-P	95-04-051	458-14-146	AMD-P	95-12-086
434-135-150	PREP	95-11-133	458-08-010	REP	95-07-067	458-14-146	AMD	95-17-099
434-135-150	NEW-P	95-12-101	458-08-020	REP-P	95-04-051	458-14-160	PREP	95-07-139

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458-14-160	AMD-P	95-12-086	458-30-345	AMD-P	95-13-066	458-53-105	PREP	95-09-083
458-14-160	AMD	95-17-099	458-30-350	AMD-P	95-13-066	458-53-105	NEW-P	95-13-036
458-14-170	PREP	95-07-139	458-30-355	AMD-P	95-13-066	458-53-110	PREP	95-09-083
458-14-170	AMD-P	95-12-086	458-30-360	NEW-P	95-13-066	458-53-110	REP-P	95-16-036
458-14-170	AMD	95-17-099	458-30-500	AMD-P	95-13-066	458-53-120	PREP	95-09-083
458-14-171	PREP	95-07-139	458-30-510	AMD-P	95-13-066	458-53-120	REP-P	95-16-036
458-14-171	AMD-P	95-12-086	458-30-520	AMD-P	95-13-066	458-53-130	PREP	95-09-083
458-14-171	AMD	95-17-099	458-30-525	NEW-P	95-13-066	458-53-130	AMD-P	95-13-036
458-16-265	REP	95-06-042	458-30-530	AMD-P	95-13-066	458-53-135	PREP	95-09-083
458-16A-010	NEW	95-06-041	458-30-540	AMD-P	95-13-066	458-53-135	NEW-P	95-16-035
458-16A-020	NEW	95-06-042	458-30-550	AMD-P	95-13-066	458-53-140	PREP	95-09-083
458-18-220	AMD-P	95-02-064	458-30-560	AMD-P	95-13-066	458-53-140	AMD-P	95-16-035
458-18-220	AMD	95-06-044	458-30-570	AMD-P	95-13-066	458-53-141	PREP	95-09-083
458-20-10001	NEW-P	95-04-054	458-30-580	AMD-P	95-13-066	458-53-141	REP-P	95-16-035
458-20-10001	NEW	95-07-070	458-30-590	AMD-P	95-02-062	458-53-142	PREP	95-09-083
458-20-10002	NEW-P	95-04-052	458-30-590	AMD	95-06-043	458-53-142	REP-P	95-16-035
458-20-10002	NEW	95-07-069	458-40-610	PREP	95-04-094	458-53-150	PREP	95-09-083
458-20-101	AMD-P	95-04-019	458-40-610	AMD-E	95-10-034	458-53-150	REP-P	95-16-035
458-20-101	AMD	95-07-089	458-40-610	AMD-P	95-10-064	458-53-160	PREP	95-09-083
458-20-104	AMD-P	95-04-018	458-40-610	AMD-C	95-15-066	458-53-160	AMD-P	95-16-035
458-20-104	AMD	95-07-088	458-40-615	PREP	95-08-078	458-53-163	PREP	95-09-083
458-20-114	PREP	95-11-080	458-40-615	AMD-P	95-11-039	458-53-163	REP-P	95-16-035
458-20-114	REP-P	95-15-065	458-40-615	AMD	95-14-086	458-53-165	PREP	95-09-083
458-20-183	PREP	95-03-092	458-40-640	PREP	95-08-078	458-53-165	REP-P	95-16-035
458-20-183	AMD-P	95-11-081	458-40-640	AMD-P	95-11-039	458-53-180	PREP	95-09-083
458-20-18601	AMD-P	95-04-053	458-40-640	AMD	95-14-086	458-53-180	REP-P	95-16-035
458-20-18601	AMD	95-07-068	458-40-650	PREP	95-04-094	458-53-200	PREP	95-09-083
458-20-189	PREP	95-04-079	458-40-650	AMD-E	95-10-035	458-53-200	AMD-P	95-16-035
458-20-189	AMD-P	95-16-004	458-40-650	AMD-P	95-10-064	458-53-210	PREP	95-09-083
458-20-207	AMD-P	95-11-040	458-40-650	AMD	95-14-084	458-53-210	AMD-P	95-16-035
458-20-207	AMD	95-15-013	458-40-660	PREP	95-08-078	460-10A-015	AMD-P	95-11-079
458-20-211	PREP	95-05-025	458-40-660	AMD-P	95-11-041	460-10A-015	AMD	95-16-026
458-20-211	AMD-P	95-16-006	458-40-660	AMD-E	95-14-087	460-10A-015	PREP	95-15-091
458-20-238	AMD-P	95-16-005	458-40-660	AMD-C	95-15-067	460-10A-050	PREP	95-15-091
458-20-258	AMD-P	95-03-050	458-40-670	PREP	95-04-094	460-10A-055	PREP	95-15-091
458-20-258	AMD-C	95-14-085	458-40-670	PREP	95-08-078	460-10A-060	PREP	95-15-091
458-20-258	AMD-W	95-15-093	458-40-670	AMD-E	95-10-036	460-10A-065	PREP	95-15-091
458-30-200	AMD-P	95-13-066	458-40-670	AMD-P	95-10-064	460-10A-075	PREP	95-15-091
458-30-205	AMD-P	95-13-066	458-40-670	AMD-P	95-11-041	460-10A-080	PREP	95-15-091
458-30-210	AMD-P	95-13-066	458-40-670	AMD-W	95-11-076	460-10A-090	PREP	95-15-091
458-30-215	AMD-P	95-13-066	458-40-670	AMD-E	95-14-087	460-10A-095	PREP	95-15-091
458-30-220	AMD-P	95-13-066	458-40-670	AMD-C	95-15-067	460-10A-100	PREP	95-15-091
458-30-225	AMD-P	95-13-066	458-40-680	PREP	95-04-094	460-10A-105	PREP	95-15-091
458-30-230	AMD-P	95-13-066	458-40-680	AMD-E	95-10-037	460-10A-110	PREP	95-15-091
458-30-232	NEW-P	95-13-066	458-40-680	AMD-P	95-10-064	460-10A-115	PREP	95-15-091
458-30-235	REP-P	95-13-066	458-40-680	AMD-W	95-11-075	460-10A-120	PREP	95-15-091
458-30-240	AMD-P	95-13-066	458-40-680	AMD	95-14-084	460-10A-125	PREP	95-15-091
458-30-242	NEW-P	95-13-066	458-40-684	PREP	95-08-078	460-10A-130	PREP	95-15-091
458-30-245	AMD-P	95-13-066	458-40-684	AMD-P	95-11-039	460-10A-135	PREP	95-15-091
458-30-250	AMD-P	95-13-066	458-40-684	AMD	95-14-086	460-10A-140	PREP	95-15-091
458-30-255	AMD-P	95-13-066	458-40-690	PREP	95-08-078	460-10A-145	PREP	95-15-091
458-30-260	AMD-P	95-13-066	458-53-010	PREP	95-09-083	460-10A-150	PREP	95-15-091
458-30-262	PREP	95-02-063	458-53-010	AMD-P	95-16-034	460-10A-155	PREP	95-15-091
458-30-262	AMD-P	95-06-040	458-53-020	PREP	95-09-083	460-10A-170	PREP	95-15-091
458-30-262	AMD	95-09-041	458-53-020	AMD-P	95-16-034	460-10A-180	PREP	95-15-091
458-30-265	AMD-P	95-13-066	458-53-030	PREP	95-09-083	460-10A-185	PREP	95-15-091
458-30-267	NEW-P	95-13-066	458-53-030	AMD-P	95-16-034	460-10A-190	PREP	95-15-091
458-30-270	AMD-P	95-13-066	458-53-040	PREP	95-09-083	460-10A-195	PREP	95-15-091
458-30-275	AMD-P	95-13-066	458-53-040	REP-P	95-16-034	460-10A-200	PREP	95-15-091
458-30-280	AMD-P	95-13-066	458-53-050	PREP	95-09-083	460-10A-205	PREP	95-15-091
458-30-285	AMD-P	95-13-066	458-53-050	AMD-P	95-16-034	460-10A-210	PREP	95-15-091
458-30-290	REP-P	95-13-066	458-53-051	PREP	95-09-083	460-16A-101	REP-P	95-14-053
458-30-295	AMD-P	95-13-066	458-53-051	REP-P	95-16-034	460-16A-101	REP	95-17-068
458-30-300	AMD-P	95-13-066	458-53-070	PREP	95-09-083	460-16A-102	REP-P	95-14-053
458-30-305	AMD-P	95-13-066	458-53-070	AMD-P	95-16-034	460-16A-102	REP	95-17-068
458-30-310	AMD-P	95-13-066	458-53-080	PREP	95-09-083	460-16A-103	REP-P	95-14-053
458-30-315	AMD-P	95-13-066	458-53-080	AMD-P	95-16-036	460-16A-103	REP	95-17-068
458-30-317	NEW-P	95-13-066	458-53-090	PREP	95-09-083	460-16A-104	REP-P	95-14-053
458-30-320	AMD-P	95-13-066	458-53-090	AMD-P	95-16-036	460-16A-104	REP	95-17-068
458-30-325	AMD-P	95-13-066	458-53-095	PREP	95-09-083	460-16A-105	REP-P	95-14-053
458-30-330	AMD-P	95-13-066	458-53-095	NEW-P	95-13-036	460-16A-105	REP	95-17-068
458-30-335	AMD-P	95-13-066	458-53-100	PREP	95-09-083	460-16A-106	REP-P	95-14-053
458-30-340	AMD-P	95-13-066	458-53-100	AMD-P	95-16-036	460-16A-106	REP	95-17-068

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460-16A-108	REP-P	95-14-053	420-21B-020	NEW	95-16-026	463-39-090	AMD	95-17-088
460-16A-108	REP	95-17-068	460-21B-030	NEW-P	95-11-079	463-39-095	NEW-P	95-13-039
460-16A-109	REP-P	95-14-053	460-21B-030	NEW	95-16-026	463-39-095	NEW	95-17-088
460-16A-109	REP	95-17-068	460-21B-040	NEW-P	95-11-079	463-39-105	NEW-P	95-13-039
460-16A-205	AMD-P	95-14-053	460-21B-040	NEW	95-16-026	463-39-105	NEW	95-17-088
460-16A-205	AMD	95-17-068	460-21B-050	NEW-P	95-11-079	463-39-120	AMD-P	95-13-039
460-20A-005	REP-P	95-11-079	460-21B-050	NEW	95-16-026	463-39-120	AMD	95-17-088
460-20A-005	REP	95-16-026	460-21B-060	NEW-P	95-11-079	468-32-010	PREP	95-04-070
460-20A-008	REP-P	95-11-079	460-21B-060	NEW	95-16-026	468-32-010	NEW-P	95-04-071
460-20A-008	REP	95-16-026	460-21B-070	NEW-P	95-11-079	468-32-010	NEW	95-07-106
460-20A-010	REP-P	95-11-079	460-21B-070	NEW	95-16-026	468-34-010	AMD-P	95-17-015
460-20A-010	REP	95-16-026	460-21B-080	NEW-P	95-11-079	468-34-020	AMD-P	95-17-015
460-20A-015	REP-P	95-11-079	460-21B-080	NEW	95-16-026	468-34-050	AMD-P	95-17-015
460-20A-015	REP	95-16-026	460-22B-010	NEW-P	95-11-079	468-34-110	AMD-P	95-17-015
460-20A-020	REP-P	95-11-079	460-22B-010	NEW	95-16-026	468-34-170	AMD-P	95-17-015
460-20A-020	REP	95-16-026	460-22B-020	NEW-P	95-11-079	468-34-340	AMD-P	95-17-015
460-20A-025	REP-P	95-11-079	460-22B-020	NEW	95-16-026	468-51	PREP	95-10-001A
460-20A-025	REP	95-16-026	460-22B-030	NEW-P	95-11-079	468-95-100	AMD-E	95-07-051
460-20A-030	REP-P	95-11-079	460-22B-030	NEW	95-16-026	468-95-100	AMD-P	95-07-081
460-20A-030	REP	95-16-026	460-22B-040	NEW-P	95-11-079	468-95-100	AMD	95-11-022
460-20A-035	REP-P	95-11-079	460-22B-040	NEW	95-16-026	468-300-010	AMD-E	95-16-071
460-20A-035	REP	95-16-026	460-22B-050	NEW-P	95-11-079	474-02-010	NEW-P	95-16-032
460-20A-045	REP-P	95-11-079	460-22B-050	NEW	95-16-026	474-02-020	NEW-P	95-16-032
460-20A-045	REP	95-16-026	460-22B-060	NEW-P	95-11-079	478-168	PREP	95-07-101
460-20A-050	REP-P	95-11-079	460-22B-060	NEW	95-16-026	478-168-010	AMD-P	95-08-053
460-20A-050	REP	95-16-026	460-22B-070	NEW-P	95-11-079	478-168-010	AMD	95-14-045
460-20A-100	REP-P	95-11-079	460-22B-070	NEW	95-16-026	478-168-020	AMD-P	95-08-053
460-20A-100	REP	95-16-026	460-22B-080	NEW-P	95-11-079	478-168-020	AMD	95-14-045
460-20A-105	REP-P	95-11-079	460-22B-080	NEW	95-16-026	478-168-030	REP-P	95-08-053
460-20A-105	REP	95-16-026	460-22B-090	NEW-P	95-11-079	478-168-030	REP	95-14-045
460-20A-200	REP-P	95-11-079	460-22B-090	NEW	95-16-090	478-168-035	NEW-P	95-08-053
460-20A-200	REP	95-16-026	460-22B-010	NEW-P	95-11-079	478-168-035	NEW	95-14-045
460-20A-205	REP-P	95-11-079	460-23B-010	NEW	95-16-026	478-168-040	REP-P	95-08-053
460-20A-205	REP	95-16-026	460-23B-020	NEW-P	95-11-079	478-168-040	REP	95-14-045
460-20A-210	REP-P	95-11-079	460-23B-020	NEW	95-16-026	478-168-050	REP-P	95-08-053
460-20A-210	REP	95-16-026	460-23B-030	NEW-P	95-11-079	478-168-050	REP	95-14-045
460-20A-215	REP-P	95-11-079	460-23B-030	NEW	95-16-026	478-168-060	REP-P	95-08-053
460-20A-215	REP	95-16-026	460-23B-040	NEW-P	95-11-079	478-168-060	REP	95-14-045
460-20A-220	REP-P	95-11-079	460-23B-040	NEW	95-16-026	478-168-070	AMD-P	95-08-053
460-20A-220	REP	95-16-026	460-23B-050	NEW-P	95-11-079	478-168-070	AMD	95-14-045
460-20A-230	REP-P	95-11-079	460-23B-050	NEW	95-16-026	478-168-080	AMD-P	95-08-053
460-20A-230	REP	95-16-026	460-23B-060	NEW-P	95-11-079	478-168-080	AMD	95-14-045
460-20A-235	REP-P	95-11-079	460-23B-060	NEW	95-16-026	478-168-090	REP-P	95-08-053
460-20A-235	REP	95-16-026	460-23A-046	NEW-P	95-11-079	478-168-090	REP	95-14-045
460-20A-400	REP-P	95-11-079	460-24A-046	NEW	95-16-026	478-168-092	AMD-P	95-08-053
460-20A-400	REP	95-16-026	460-24A-050	AMD-P	95-11-079	478-168-092	AMD	95-14-045
460-20A-405	REP-P	95-11-079	460-24A-050	AMD	95-16-026	478-168-094	AMD-P	95-08-053
460-20A-405	REP	95-16-026	460-24A-050	AMD	95-17-002	478-168-094	AMD	95-14-045
460-20A-410	REP-P	95-11-079	460-24A-055	AMD-P	95-11-079	478-168-096	AMD-P	95-08-053
460-20A-410	REP	95-16-026	460-24A-055	AMD	95-16-026	478-168-096	AMD	95-14-045
460-20A-415	REP-P	95-11-079	460-33A-080	AMD-P	95-11-079	478-168-100	REP-P	95-08-053
460-20A-415	REP	95-16-026	460-33A-080	AMD	95-16-026	478-168-100	REP	95-14-045
460-20A-420	REP-P	95-11-079	460-33A-081	NEW-P	95-11-079	478-168-110	REP-P	95-08-053
460-20A-420	REP	95-16-026	460-33A-081	NEW	95-16-026	478-168-110	REP	95-14-045
460-20A-425	REP-P	95-11-079	460-33A-085	AMD-P	95-11-079	478-168-120	REP-P	95-08-053
460-20A-425	REP	95-16-026	460-33A-085	AMD	95-16-026	478-168-120	REP	95-14-045
460-20B-010	NEW-P	95-11-079	460-33A-086	NEW-P	95-11-079	478-168-130	REP-P	95-08-053
460-20B-010	NEW	95-16-026	460-33A-086	NEW	95-16-026	478-168-130	REP	95-14-045
460-20B-020	NEW-P	95-11-079	460-42A-081	PREP	95-14-052	478-168-140	REP-P	95-08-053
460-20B-020	NEW	95-16-026	460-46A-050	AMD-P	95-14-053	478-168-140	REP	95-14-045
460-20B-030	NEW-P	95-11-079	460-46A-050	AMD	95-17-068	478-168-150	REP-P	95-08-053
460-20B-030	NEW	95-16-026	460-52A-010	AMD-P	95-08-016	478-168-150	REP	95-14-045
460-20B-040	NEW-P	95-11-079	460-52A-010	AMD	95-12-003	478-168-160	AMD-P	95-08-053
460-20B-040	NEW	95-16-026	460-80-315	AMD-P	95-04-097	478-168-160	AMD	95-14-045
460-20B-050	NEW-P	95-11-079	460-80-315	AMD	95-08-015	478-168-170	AMD-P	95-08-053
460-20B-050	NEW	95-16-026	463-39	PREP	95-09-078	478-168-170	AMD	95-14-045
460-20B-060	NEW-P	95-11-079	463-39-005	AMD-P	95-13-039	478-168-180	AMD-P	95-08-053
460-20B-060	NEW	95-16-026	463-39-005	AMD	95-17-088	478-168-180	AMD	95-14-045
460-21B-008	NEW-P	95-11-079	463-39-020	AMD-P	95-13-039	478-168-200	AMD-P	95-08-053
460-21B-008	NEW	95-16-026	463-39-020	AMD	95-17-088	478-168-200	AMD	95-14-045
460-21B-010	NEW-P	95-11-079	463-39-030	AMD-P	95-13-039	478-168-270	AMD-P	95-08-053
460-21B-010	NEW	95-16-026	463-39-030	AMD	95-17-088	478-168-270	AMD	95-14-045
460-21B-020	NEW-P	95-11-079	463-39-090	AMD-P	95-13-039	478-168-280	AMD-P	95-08-053

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
478-168-280	AMD	95-14-045	479-20-031	AMD	95-04-072	479-420-013	NEW	95-04-072
478-168-290	AMD-P	95-08-053	479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072
478-168-290	AMD	95-14-045	479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072
478-168-294	AMD-P	95-08-053	479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072
478-168-294	AMD	95-14-045	479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072
478-168-300	AMD-P	95-08-053	479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072
478-168-300	AMD	95-14-045	479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072
478-168-310	AMD-P	95-08-053	479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072
478-168-310	AMD	95-14-045	479-112	AMD	95-04-072	479-420-089	NEW	95-04-072
478-168-320	AMD-P	95-08-053	479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072
478-168-320	AMD	95-14-045	479-112-003	NEW	95-04-072	480-09	PREP	95-06-089
478-168-325	NEW-P	95-08-053	479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088
478-168-325	NEW	95-14-045	479-112-0055	NEW	95-04-072	480-12-001	NEW-E	95-10-038
478-168-330	AMD-P	95-08-053	479-112-008	AMD	95-04-072	480-12-001	NEW-P	95-17-125
478-168-330	AMD	95-14-045	479-112-009	AMD	95-04-072	480-12-075	REP-E	95-10-038
478-168-340	AMD-P	95-08-053	479-112-017	AMD	95-04-072	480-12-075	REP-P	95-17-125
478-168-340	AMD	95-14-045	479-113-010	AMD	95-04-072	480-12-082	REP-E	95-10-038
478-168-345	NEW-P	95-08-053	479-113-011	AMD	95-04-072	480-12-082	REP-P	95-17-125
478-168-345	NEW	95-14-045	479-113-029	AMD	95-04-072	480-12-085	REP-E	95-10-038
478-168-350	AMD-P	95-08-053	479-113-031	AMD	95-04-072	480-12-085	REP-P	95-17-125
478-168-350	AMD	95-14-045	479-113-032	REP	95-04-072	480-12-090	REP-E	95-10-038
478-168-360	AMD-P	95-08-053	479-113-035	AMD	95-04-072	480-12-090	REP-P	95-17-125
478-168-360	AMD	95-14-045	479-113-070	NEW	95-04-072	480-12-095	REP-E	95-10-038
478-168-380	AMD-P	95-08-053	479-116-010	NEW	95-04-072	480-12-095	REP-P	95-17-125
478-168-380	AMD	95-14-045	479-116-016	AMD	95-04-072	480-12-105	REP-E	95-10-038
478-168-390	AMD-P	95-08-053	479-116-035	AMD	95-04-072	480-12-105	REP-P	95-17-125
478-168-390	AMD	95-14-045	479-116-045	AMD	95-04-072	480-12-110	REP-E	95-10-038
479-01-010	AMD	95-04-072	479-116-070	NEW	95-04-072	480-12-110	REP-P	95-17-125
479-01-020	AMD	95-04-072	479-116-080	NEW	95-04-072	480-12-131	REP-E	95-10-038
479-01-030	AMD	95-04-072	479-120-010	NEW	95-04-072	480-12-131	REP-P	95-17-125
479-01-040	AMD	95-04-072	479-120-011	NEW	95-04-072	480-12-137	REP-E	95-10-038
479-02-030	AMD	95-04-072	479-120-013	NEW	95-04-072	480-12-137	REP-P	95-17-125
479-02-070	AMD	95-04-072	479-120-016	NEW	95-04-072	480-12-140	REP-E	95-10-038
479-02-100	AMD	95-04-072	479-120-025	NEW	95-04-072	480-12-140	REP-P	95-17-125
479-02-110	AMD	95-04-072	479-120-027	NEW	95-04-072	480-12-155	REP-E	95-10-038
479-02-120	AMD	95-04-072	479-120-031	NEW	95-04-072	480-12-155	REP-P	95-17-125
479-02-130	AMD	95-04-072	479-120-033	REP	95-04-072	480-12-160	REP-E	95-10-038
479-12-005	NEW	95-04-072	479-120-037	NEW	95-04-072	480-12-160	REP-P	95-17-125
479-12-008	NEW	95-04-072	479-120-086	NEW	95-04-072	480-12-181	REP-E	95-10-038
479-12-010	AMD	95-04-072	479-120-089	NEW	95-04-072	480-12-181	REP-P	95-17-125
479-12-020	AMD	95-04-072	479-120-095	NEW	95-04-072	480-12-195	REP-E	95-10-038
479-13-010	AMD	95-04-072	479-216	AMD	95-04-072	480-12-195	REP-P	95-17-125
479-13-011	NEW	95-04-072	479-216-050	AMD	95-04-072	480-12-196	REP-E	95-10-038
479-13-025	AMD	95-04-072	479-310-050	AMD	95-04-072	480-12-196	REP-P	95-17-125
479-13-035	AMD	95-04-072	479-310-200	AMD	95-04-072	480-12-205	REP-E	95-10-038
479-13-060	REP	95-04-072	479-312-100	AMD	95-04-072	480-12-205	REP-P	95-17-125
479-13-070	AMD	95-04-072	479-410-010	NEW	95-04-072	480-12-225	REP-E	95-10-038
479-16-010	AMD	95-04-072	479-410-020	NEW	95-04-072	480-12-225	REP-P	95-17-125
479-16-015	AMD	95-04-072	479-410-100	NEW	95-04-072	480-12-230	REP-E	95-10-038
479-16-016	AMD	95-04-072	479-410-150	NEW	95-04-072	480-12-230	REP-P	95-17-125
479-16-030	AMD	95-04-072	479-410-160	NEW	95-04-072	480-12-233	REP-E	95-10-038
479-16-035	AMD	95-04-072	479-410-170	NEW	95-04-072	480-12-233	REP-P	95-17-125
479-16-040	AMD	95-04-072	479-410-180	NEW	95-04-072	480-12-240	REP-E	95-10-038
479-16-045	AMD	95-04-072	479-410-200	NEW	95-04-072	480-12-240	REP-P	95-17-125
479-16-060	AMD	95-04-072	479-412-020	NEW	95-04-072	480-12-245	REP-E	95-10-038
479-16-070	REP	95-04-072	479-412-100	NEW	95-04-072	480-12-245	REP-P	95-17-125
479-16-072	REP	95-04-072	479-412-150	NEW	95-04-072	480-12-253	REP-E	95-10-038
479-16-080	AMD	95-04-072	479-412-200	NEW	95-04-072	480-12-253	REP-P	95-17-125
479-16-085	NEW	95-04-072	479-412-250	NEW	95-04-072	480-12-260	REP-E	95-10-038
479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072	480-12-260	REP-P	95-17-125
479-16-091	REP	95-04-072	479-412-310	NEW	95-04-072	480-12-305	REP-E	95-10-038
479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072	480-12-305	REP-P	95-17-125
479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072	480-12-310	REP-E	95-10-038
479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072	480-12-310	REP-P	95-17-125
479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072	480-12-321	REP-E	95-10-038
479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072	480-12-321	REP-P	95-17-125
479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072	480-12-322	REP-E	95-10-038
479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072	480-12-322	REP-P	95-17-125
479-20-013	AMD	95-04-072	479-416-040	NEW	95-04-072	480-12-380	REP-E	95-10-038
479-20-016	AMD	95-04-072	479-416-045	NEW	95-04-072	480-12-380	REP-P	95-17-125
479-20-020	AMD	95-04-072	479-416-050	NEW	95-04-072	480-12-500	REP-E	95-10-038
479-20-025	AMD	95-04-072	479-420-010	NEW	95-04-072	480-12-500	REP-P	95-17-125
479-20-027	AMD	95-04-072	479-420-011	NEW	95-04-072	480-12-510	REP-E	95-10-038

TABLE

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-12-510	REP-P	95-17-125	480-14-370	NEW-E	95-10-038	480-146-060	AMD	95-16-009
480-12-520	REP-E	95-10-038	480-14-370	NEW-P	95-17-125	480-146-070	PREP	95-03-094
480-12-520	REP-P	95-17-125	480-14-380	NEW-E	95-10-038	480-146-070	AMD-P	95-08-068
480-14-010	NEW-E	95-10-038	480-14-380	NEW-P	95-17-125	480-146-070	AMD	95-16-009
480-14-010	NEW-P	95-17-125	480-14-390	NEW-E	95-10-038	480-146-080	PREP	95-03-094
480-14-020	NEW-E	95-10-038	480-14-390	NEW-P	95-17-125	480-146-080	AMD-P	95-08-068
480-14-020	NEW-P	95-17-125	480-14-400	NEW-E	95-10-038	480-146-080	AMD	95-16-009
480-14-030	NEW-E	95-10-038	480-14-400	NEW-P	95-17-125	480-146-100	PREP	95-03-094
480-14-030	NEW-P	95-17-125	480-14-410	NEW-E	95-10-038	480-146-100	REP-P	95-08-068
480-14-040	NEW-E	95-10-038	480-14-410	NEW-P	95-17-125	480-146-100	REP	95-16-009
480-14-040	NEW-P	95-17-125	480-14-420	NEW-E	95-10-038	480-146-200	PREP	95-03-094
480-14-050	NEW-E	95-10-038	480-14-420	NEW-P	95-17-125	480-146-200	AMD-P	95-08-068
480-14-050	NEW-P	95-17-125	480-14-900	NEW-E	95-10-038	480-146-200	AMD	95-16-009
480-14-060	NEW-E	95-10-038	480-14-900	NEW-P	95-17-125	480-146-210	PREP	95-03-094
480-14-060	NEW-P	95-17-125	480-50	PREP	95-14-025	480-146-210	AMD-P	95-08-068
480-14-070	NEW-E	95-10-038	480-50-010	REP-P	95-17-122	480-146-210	AMD	95-16-009
480-14-070	NEW-P	95-17-125	480-50-020	REP-P	95-17-122	480-146-220	PREP	95-03-094
480-14-080	NEW-E	95-10-038	480-50-030	REP-P	95-17-122	480-146-220	AMD-P	95-08-068
480-14-080	NEW-P	95-17-125	480-50-035	REP-P	95-17-122	480-146-220	AMD	95-16-009
480-14-090	NEW-E	95-10-038	480-50-040	REP-P	95-17-122	480-146-230	NEW-P	95-08-068
480-14-090	NEW-P	95-17-125	480-50-050	REP-P	95-17-122	480-146-230	NEW	95-16-009
480-14-100	NEW-E	95-10-038	480-50-060	REP-P	95-17-122	484-20-065	AMD-P	95-02-072
480-14-100	NEW-P	95-17-125	480-50-070	REP-P	95-17-122	484-20-065	AMD	95-07-082
480-14-110	NEW-E	95-10-038	480-50-080	REP-P	95-17-122	484-20-085	AMD	95-03-053
480-14-110	NEW-P	95-17-125	480-50-090	REP-P	95-17-122	490-500	AMD	95-04-050
480-14-120	NEW-E	95-10-038	480-50-100	REP-P	95-17-122	490-500-005	AMD	95-04-050
480-14-120	NEW-P	95-17-125	480-50-110	REP-P	95-17-122	490-500-010	AMD	95-04-050
480-14-130	NEW-E	95-10-038	480-50-120	REP-P	95-17-122	490-500-015	AMD	95-04-050
480-14-130	NEW-P	95-17-125	480-50-130	REP-P	95-17-122	490-500-020	REP	95-04-050
480-14-140	NEW-E	95-10-038	480-50-140	REP-P	95-17-122	490-500-022	NEW	95-04-050
480-14-140	NEW-P	95-17-125	480-51-010	NEW-P	95-17-122	490-500-025	AMD	95-04-050
480-14-150	NEW-E	95-10-038	480-51-020	NEW-P	95-17-122	490-500-030	AMD	95-04-050
480-14-150	NEW-P	95-17-125	480-51-022	NEW-P	95-17-122	490-500-050	AMD	95-04-050
480-14-160	NEW-E	95-10-038	480-51-025	NEW-P	95-17-122	490-500-055	AMD	95-04-050
480-14-160	NEW-P	95-17-125	480-51-030	NEW-P	95-17-122	490-500-060	REP	95-04-050
480-14-170	NEW-E	95-10-038	480-51-040	NEW-P	95-17-122	490-500-065	NEW	95-04-050
480-14-170	NEW-P	95-17-125	480-51-050	NEW-P	95-17-122	490-500-070	AMD	95-04-050
480-14-180	NEW-E	95-10-038	480-51-060	NEW-P	95-17-122	490-500-075	REP	95-04-050
480-14-180	NEW-P	95-17-125	480-51-070	NEW-P	95-17-122	490-500-077	REP	95-04-050
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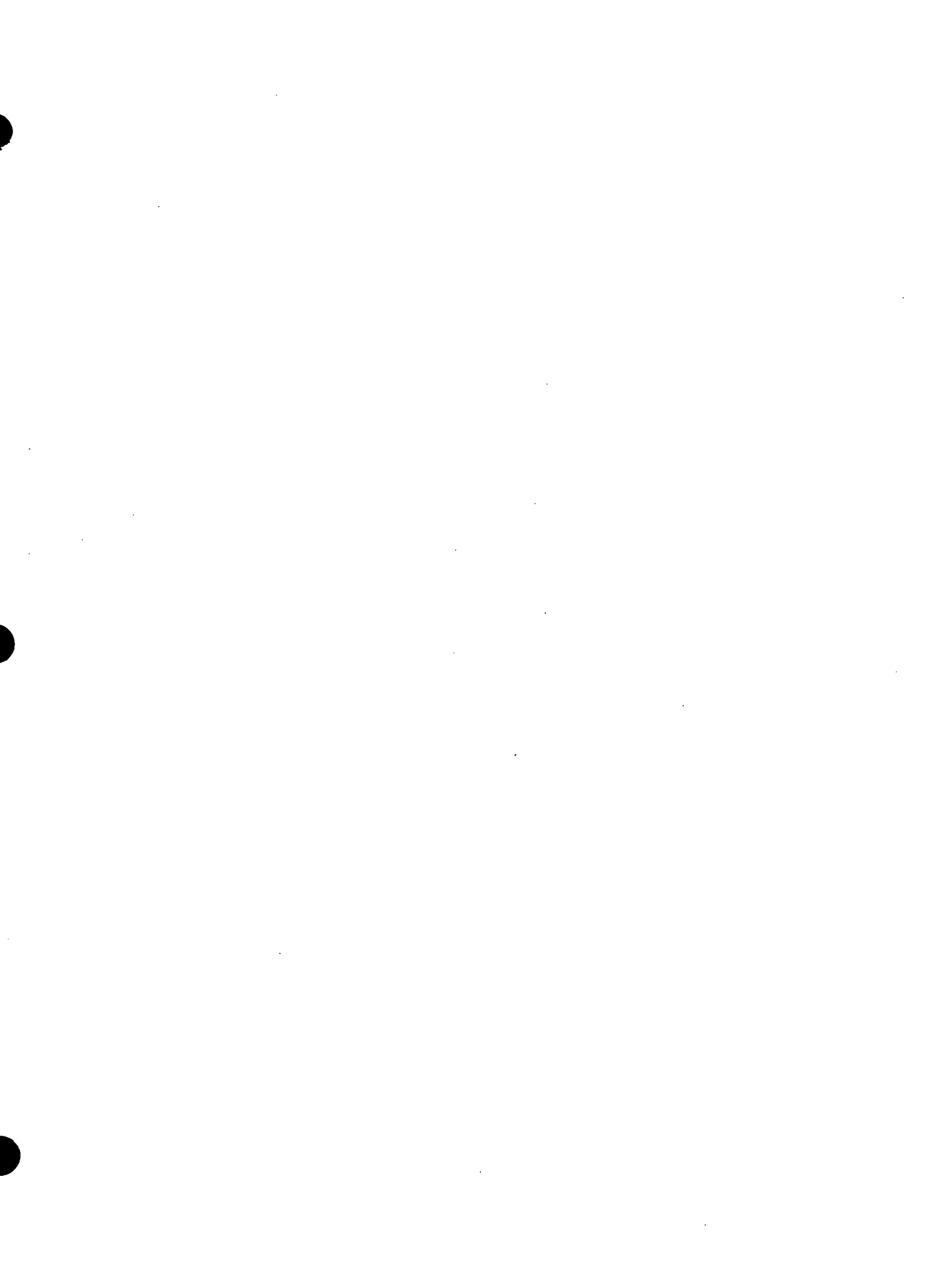
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