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JULY 3, 1996

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ISSUE 96-13



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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 (360) 753-7470.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 1996 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

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WASHINGTON STATE REGISTER

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

Mary F. Gallagher Dilley Chair, Statute Law Committee Kerry S. Radcliff

Editor

Dennis W. Cooper Code Reviser

Joyce Matzen Subscription Clerk

Gary Reid Chief Assistant Code Reviser

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		
For Inclusion in	File no le	ater than 12:00 NOO	N	Count 20 days from	For hearing on or after
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 2 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
95-22 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
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
96-12	May 8	May 22	Jun 5	Jun 19	Jul 9
96-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
96-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
96-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
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;

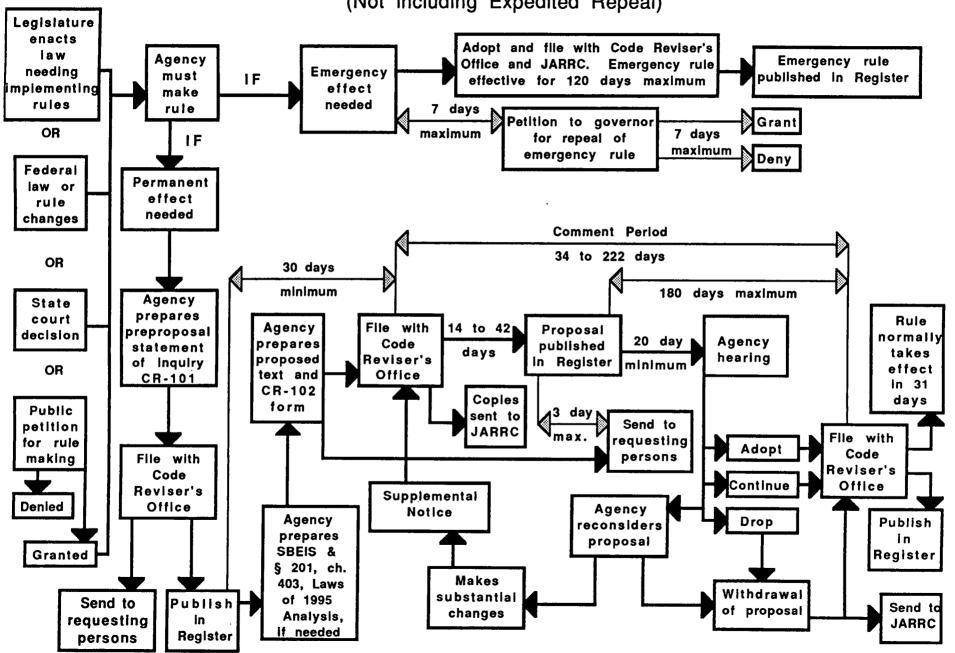
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 96-13-003 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed June 6, 1996, 1:46 p.m.]

Subject of Possible Rule Making: WAC 388-538-070 and 388-538-050, managed care.

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: The rules will be amended to require managed care plans to submit stop-loss (reinsurance) claims for a client within six months of the contract termination date with that client. Implementing this rule will assist the Medical Assistance Administration in preparing timely and complete budget forecasts. This rule will make Medical Assistance Administration (MAA) more consistent with other third party payors handling of stop-loss claims and will enable plans contracting with MAA to close their books on a contract period on a more timely basis.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

June 6, 1996
Philip A. Wozniak
for Merry Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-13-009 PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed June 6, 1996, 4:33 p.m.]

Subject of Possible Rule Making: Recent change in state law limits the counting of brokers toward participation goals for minority and women's business enterprises in state contracts to the actual dollar value of the fees and commissions charged or a standard rate. The rule would establish the standard(s) for the industries impacted by this change.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the absence of a rule, agencies and educational institutions would be forced to require and to review more information in bid documents. There would not be consistent treatment of bids by state agencies and educational institutions.

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

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 Juan Huey-Ray, Rules Coordinator, 406 South Water, Olympia, WA 98504-1160, phone (360) 586-1228, FAX (360) 586-7079.

June 6, 1996 James A. Medina Director

WSR 96-13-011 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 7, 1996, 11:02 a.m.]

Subject of Possible Rule Making: WAC 180-27-056(2), funding during the period of a priority approval process order by State Board of Education.

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: The 1995 legislature provided authority to fully fund school construction projects. Modification of existing rules is necessary to allow final project approval based on estimated available revenue or funds provided through legislative appropriation authority.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Rules are coordinated with the Office of the Superintendent of Public Instruction.

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.

June 7, 1996 Larry Davis Executive Director

WSR 96-13-015 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 7, 1996, 11:57 a.m.]

Subject of Possible Rule Making: Implementation of chapter 293, Laws of 1996, requiring the suspension of professional license/certification for default on federal/state guaranteed student loans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.11, 18.16, 18.28, 18.85, 18.140, 18.145, 18.165, 18.170, 18.175, 18.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Define terms used in chapter 293, Laws of 1996. Adopt program and brief adjudicative procedures to be used in license suspension. Possibly adopt reinstatement fee as authorized by statute.

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. Interested persons may participate in rule drafting by contacting Linda Bremer, Assistant Director, P.O. Box 9034, Olympia, WA 98507-9034, FAX (360) 586-1596. All interested persons will be added to the agency's mailing list for this rule proposal.

June 7, 1996 Linda Bremer Assistant Director

WSR 96-13-016 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 7, 1996, 12:04 p.m.]

Subject of Possible Rule Making: Implementation of chapter 293, Laws of 1996, requiring the suspension of professional license/certification for default on federal/state guaranteed loans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.08 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Define terms used in chapter 293, Laws of 1996. Adopt program and brief adjudicative procedures to be used in license suspension. Possibly adopt reinstatement fee as authorized by statute.

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. Interested persons may participate in rule drafting by contacting James D. Hanson, Administrator, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 664-2550, TDD 586-2788. All interested persons will be added to the agency's mailing list for this rule proposal.

June 7, 1996 James D. Hanson Administrator

WSR 96-13-017 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 7, 1996, 12:05 p.m.]

Subject of Possible Rule Making: Implementation of chapter 293, Laws of 1996, requiring the suspension of professional license/certification for default on federal/state guaranteed student loans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.96 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Define terms used in chapter 293, Laws of 1996. Adopt program and brief adjudicative procedures to be used in license suspension. Possibly adopt reinstatement fee as authorized by statute.

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. Interested persons may participate in rule drafting by contacting James D. Hanson, Administrator, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 664-2550, TDD 586-2788. All interested persons will be added to the agency's mailing list for this rule proposal.

June 7, 1996 James D. Hanson Administrator

WSR 96-13-032 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 11, 1996, 3:48 p.m.]

Subject of Possible Rule Making: Grants of Federal Title I moneys for improving the basic programs of local education agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current chapter 392-163 WAC has been superseded by the federal Improving America's Schools Act of 1994, and United States Department of Education amendments of 34 C.F.R. Part 200.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education coordination is achieved by adopting the administrative rules of the United States Department of Education.

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 contacting Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

June 10, 1996 Judith A. Billings Superintendent of Public Instruction

WSR 96-13-033 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 11, 1996, 3:50 p.m.]

Subject of Possible Rule Making: State learning assistance program rules, chapter 392-162 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.165.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state learning assistance program should reflect, and be coordinated with, Title I of the federal Improving America's Schools Act of 1994.

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

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 contacting Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

June 10, 1996 Judith A. Billings Superintendent of Public Instruction

WSR 96-13-049 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Real Estate Commission) [Filed June 13, 1996, 3:29 p.m.]

Subject of Possible Rule Making: (1) Repeal agency representation disclosure rule, WAC 308-124D-040; and (2) amend real estate clock hour course WAC references to eliminate "substantive/nonsubstantive" real estate subject matter distinction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Chapter 179, Laws of 1996 (2EHB 1659) codifies agency representation and disclosure duties, eliminating the need for rule. The new law goes into effect January 1, 1997; and (2) the current distinction between substantive/nonsubstantive real estate subject matter is no longer necessary because the commission has identified specific approved course topic areas of real estate practice.

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 Syd Beckett, Program Administrator, P.O. Box 48001, Olympia, WA 98504-8001, phone (360) 586-6101, FAX (360) 586-0998. The department intends to solicit input from stakeholder groups and to review proposed draft rule language at the commission's September 18, 1996, meeting in Spokane at Cavanaugh's Inn at the Park. The commission intends to hold a rules hearing on these issues at its December 6, 1996, meeting in Bellevue at a place and time yet to be determined.

June 7, 1996 Sydney W. Beckett Program Administrator

WSR 96-13-050 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 13, 1996, 3:52 p.m.]

Subject of Possible Rule Making: WAC 180-85-030 Continuing education credit hour—Definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment will encourage teachers and other educators to seek professional development in the areas of assessment and multicultural education.

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

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.

June 13, 1996 Larry Davis Executive Director

WSR 96-13-051 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 13, 1996, 3:54 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To fully implement reform

legislation, the annual duties of professional education advisory boards need to be amended.

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.

June 13, 1996 Larry Davis Executive Director

WSR 96-13-079 PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed June 18, 1996, 10:20 a.m.]

Subject of Possible Rule Making: Amendment of WAC 352-32-300 concerning state parks' application fees for easements, franchises and special use permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Present rule specifies that "Each application from a party, other than a government agency, shall be accompanied by a nonrefundable application fee of one hundred dollars." The change will allow the commission to adopt a variable fee schedule for such application and processing fees as it deems appropriate.

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 William C. Jolly, Chief, Research and Long-Range Planning, Washington State Parks and Recreation Commission, P.O. Box 42668, Olympia, WA 98504-2668.

June 17, 1996
Larry Fairleigh
Assistant Director
Resources Development

WSR 96-13-090 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 8:55 a.m.]

Subject of Possible Rule Making: To adopt updated federal regulations under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines to ensure maintenance of uniformity between Washington state and United States standards. Changes have occurred including new bottled water standards, new seafood HACCP regulations, new pesticide tolerances, changes in pesticide usage and new food

and color additives since the previous standards were adopted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, and 69.07.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change will update our food standards to ensure uniformity with the United States standards by adopting the latest published versions of Title 21 CFR, Title 40 CFR and the FDA Compliance Policy Guidelines. This will update the Washington standards to help ensure uniformity with the United States standards and to protect the consumer from possible harm due to the purchase or consumption of adulterated or misbranded food.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These regulations are also administered by the United States Food and Drug Administration. We coordinate enforcement of these rules through agreements and mutual workplanning to prevent duplication of efforts. FDA is restricted to enforcement on food products in interstate commerce, while the state has enforcement authority on any foods in intrastate commerce.

Process for Developing New Rule: Adoptions of federal regulations governing production and sale of food products. We will notify affected industry and allow opportunity for comment and participation.

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, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087. Meeting to discuss change will be offered within thirty days after CR-101 is published, and before possible filing of CR-102.

June 19, 1996 Dr. Candace A. Jacobs Assistant Director

WSR 96-13-091 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 8:56 a.m.]

Subject of Possible Rule Making: Amending WAC 16-124-011 to require biannual license renewal for dairy technicians in accordance with RCW 15.36.081.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.021(1) and 15.36.081.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.36.081, the section of law licensing dairy technicians was changed to require biannual licensing instead of annual licensing, but the rule that sets the renewal date was not changed. This change would make the rule consistent with the biannual licensing requirement under the law and help prevent confusion that might be caused by this discrepancy.

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

Process for Developing New Rule: Change of annual license requirement to biannual with industry notification and

opportunity to comment. Change would correct long term error.

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, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087. Meeting to discuss change will be offered within thirty days after CR-101 is published, and before possible filing of CR-102.

June 19, 1996 Dr. Candace A. Jacobs Assistant Director

WSR 96-13-092 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 8:57 a.m.]

Subject of Possible Rule Making: Amendment to chapter 16-122 WAC, changing milk vendor to milk distributor to reflect former legislative changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.061 and 15.36.021(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 16-122 WAC sets renewal dates for milk vendors licenses. The milk vendors license that was formerly required under chapter 15.32 RCW has been changed by legislation to a milk distributors license under chapter 15.36 RCW. This proposal merely changes the name of the license from milk vendor to milk distributor to reflect statute changes and be consistent with the statute.

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

Process for Developing New Rule: License name change with industry notification and opportunity for comment and input.

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, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087. Meeting to discuss change will be offered within thirty days after CR-101 is published, and before possible filing of CR-102.

June 19, 1996 Dr. Candace A. Jacobs Assistant Director

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WSR 96-13-093 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 8:58 a.m.]

Subject of Possible Rule Making: Adopt new 1995 pasteurized milk ordinance (PMO) under WAC 16-101-700. This adopts newest version of PMO with changes including new farm inspection reports, vitamin testing requirements, performance based farm inspections and certification of laboratory supervisors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.021(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Officially adopts requirements of the United States Public Health Service/Food and Drug Administration which govern the interstate milk shippers agreement. This will adopt the newest version of the standards from milk production, testing, hauling and processing that this voluntary program operates under as required under our agreement with PHS/FDA and as directed by RCW 15.26.021(3).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Voluntary agreement between the states and the United States Public Health Service/Food and Drug Administration where the states agree to enforce federal standards including the PMO so that milk may be freely shipped in interstate commerce.

Process for Developing New Rule: Adoption of federal regulation (PMO) governing interstate shipment of milk.

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, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087. Meeting to discuss change will be offered within thirty days after CR-101 is published, and before possible filing of CR-102.

June 19, 1996 Dr. Candace A. Jacobs Assistant Director

WSR 96-13-094 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 9:00 a.m.]

Subject of Possible Rule Making: Adoption of dry milk ordinance, methods of making sanitation ratings of milk supplies, evaluation of milk laboratories, standards for the fabrication of single service containers and closures for milk and milk products and procedures governing the cooperative state-public health/food and drug administration program for certification of interstate milk shippers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.021(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Officially adopts the federal regulations and procedures governing the interstate milk shippers agreement a cooperative agreement between the United States Public Health Service/Food and Drug Administration and the states to establish standards and procedures for the free interstate shipment of milk and milk products. Adoption of these requirements is crucial to the success of the cooperative interstate milk shipping program and in setting standards for milk production, shipping and processing in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Voluntary program administered by the United States Public Health Service/Food and Drug Administration.

Process for Developing New Rule: Adoption of federal regulations governing standards for production of milk as Washington standards.

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, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087. Meeting to discuss change will be offered within thirty days after CR-101 is published, and before possible filing of CR-102.

June 19, 1996 Dr. Candace A. Jacobs Assistant Director

WSR 96-13-095 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 9:01 a.m.]

Subject of Possible Rule Making: WAC 16-54-082 Domestic bovine animals and 16-86-015 Washington cattle sales requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 16.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule changes are necessary to ease the transition in the use of Strain 19 Brucellosis vaccine to the new improved RB-51 Brucellosis vaccine which may be allowed to be used on adults after the conditional licensing period. The changes also repeal the "S" brand requirement. The "S" brand requirement has become obsolete.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, these changes are compatible with federal regulations and USDA-APHIS-VS have reviewed and concur with changes. The changes also are needed to align Washington state rules properly with regards to the NAFTA and GATT agreements. Washington state vaccination requirements have been more restrictive than federal requirements for international shipments.

Process for Developing New Rule: Agency study, these changes have been sent out to the various cattle and livestock organizations. Comments were due back April 1, 1996. There were no comments. The dairy federation approved a resolution at their 1995 annual meeting at the request of Dr. Mead, that the "S" brand of nonvaccinates be discontinued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert W. Mead, DVM, State Veterinarian, (360) 902-1881, FAX (360) 902-2087, E-Mail 74232.1764@compuserve.com; or Kathleen M. Connell, DVM, Assistant State Veterinarian, (360) 902-1835, FAX (360) 902-2087, E-Mail 74232.1765@compuserve.com.

June 17, 1996 Candace Jacobs Assistant Director

WSR 96-13-096 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 9:03 a.m.]

Subject of Possible Rule Making: WAC 16-54-125 Skunks, foxes and raccoons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 16.70 RCW, amended 1996.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifies the permitting for animals banned as pets by the Department of Health in WAC 246-100-191.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, develop rules in consultation with each other. Department of Fish and Wildlife, shared draft proposals - no negative comments.

Process for Developing New Rule: Agency request legislation, which now necessitates a rule change. Chapter 16.70 RCW was amended by EHB 2132 in 1996 to give the director of agriculture the specific authority to make rules governing the permit process for Washington Department of Health, chapter 246-100 WAC which bans certain animals as pets. To implement the law change, chapter 16-54 WAC is being amended to clarify the permit process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Veterinarian, Department of Agriculture, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1878, FAX (360) 902-2087, E-Mail 74232.1764@compuserve.com.

June 17, 1996 Candace Jacobs Assistant Director

WSR 96-13-097 PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Matter No. R 96-5-Filed June 19, 1996, 9:35 a.m.]

Subject of Possible Rule Making: Surplus requirements for fraternal benefit societies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.36A.100(7), 48.36A.290(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1996, the legislature substantially amended chapter 48.36A RCW, regarding fraternal benefit societies. Rules will establish minimum standards for surplus for fraternals to effectuate these amendments. (See chapter 236, Laws of 1996.)

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 by contacting Jim Tompkins at (360) 407-0537 for information about the content of the rules. For questions regarding the process, please call Kacy Brandeberry at (360) 664-3790.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol, TTY (360) 664-3154. Written comments are solicited. Deadline for comments: July 22, 1996.

June 19, 1996 Deborah Senn Insurance Commissioner

WSR 96-13-102 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 19, 1996, 10:36 a.m.]

Subject of Possible Rule Making: To establish a fee for sampling and spectrophotometric analysis of hops without determination of moisture content.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 22.09.790.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing fee schedule establishes a fee for hop spectrophotometric analysis accompanied by a determination of moisture content. Washington State Department of Agriculture clients' business needs have changed and some clients do not need a moisture reading. The Washington State Department of Agriculture seeks to offer the option of a spectro without moisture at a lesser fee.

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

Process for Developing New Rule: Consultation with Hop Liaison Committee, which is made up of members of all segments of the hop industry and advises the department, and the Washington Hop Commission.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, FAX (360) 902-2094; Joyce Forbes, Administrative Assistant, Laboratory Services Division, 2017 South 1st Street, Yakima, WA 98903, phone (509) 575-2759, FAX (509) 454-7699; and Ann George, Administrator, Washington Hop Commission, 504 North Naches Avenue #11, Yakima, WA 98901-2457, phone (509) 453-4749, FAX (509) 457-8561.

June 19, 1996 Mary A. Martin Toohey Assistant Director

WSR 96-13-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 19, 1996, 11:40 a.m.]

Subject of Possible Rule Making: Medical aid rules: Elimination of incorrect date in WAC 296-20-135.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Eliminate erroneous language which contradicts the intent of the department's earlier

amendment which was adopted on May 1, 1996, and would have become effective on July 1, 1996, except that it will be superseded by the emergency rule that will be filed June 28, 1996. The department intended this earlier amendment, which increased the RBRVS conversion factor, to be effective on July 1, 1996, and did not intend it to retroactively increase the RBRVS conversion factor dating back to May 1, 1995.

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

Process for Developing New Rule: Rule corrects an error. Interested persons will be notified and a hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marilyn Gisser, Medical Program Specialist, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6801, FAX (360) 902-4249.

> June 19, 1996 Mark O. Brown Director

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WSR 96-13-004 PROPOSED RULES FOREST PRACTICES BOARD

[Filed June 6, 1996, 2:48 p.m.]

Continuance of WSR 94-17-156, 95-04-073, 95-14-028, 95-24-093, 96-04-076, 96-05-090, and 96-09-099.

Preproposal statement of inquiry was filed as WSR 94-13-066.

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

Purpose: The purpose of this proposed rule is to identify critical wildlife habitat (state) for the marbled murrelet.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Reasons Supporting Proposal: This rule was proposed and published in the same notice(s) as the proposed rules for the northern spotted owl. The Forest Practices Board adopted the owl rule on May 22, 1996, but they continued the marbled murrelet portion of the proposal. A committee has been formed to review the proposal in light of new information that has become available. Adoption has been set for August 14, 1996, however the board is likely to consider revising the proposal at that time.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, FAX (360) 902-1784.

Date of Intended Adoption: August 14, 1996.

June 6, 1996 Jennifer M. Belcher Commissioner of Public Lands

WSR 96-13-018 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 7, 1996, 2:35 p.m.]

Continuance of WSR 96-06-040.

Preproposal statement of inquiry was filed as WSR 95-17-025.

Title of Rule: Chapter 388-76 WAC, Adult family homes minimum licensing requirements.

Purpose: To establish in rule minimum licensing requirements for adult family homes (AFH).

Date of Intended Adoption: June 14, 1996.

June 7, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

WSR 96-13-034 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries) [Filed June 11, 1996, 4:13 p.m.]

Continuance of WSR 96-08-015.

Preproposal statement of inquiry was filed as WSR 95-17-094.

Title of Rule: Buy-back of commercial fishing licenses. Purpose: Establish 1996 buy-back program.

Other Identifying Information: This filing provides notice of a new filing. The adoption hearing scheduled for June 1, 1996, has been continued to after the July 3, 1996, filing.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 96-04-069 and subsequent filing to be made July 3, 1996, for publication on July 17, 1996.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

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: See WSR 96-04-069 and filing to be made July 3, 1996. Public testimony received on this proposal by the Department of Commerce has changed the nature of the program to an extent necessary to take additional public testimony.

Proposal Changes the Following Existing Rules: See WSR 96-04-069.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules implement a federal program. See 59 Fed. Reg. 51422.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: To be announced in July 3, 1996, filing.

Submit Written Comments to: To be announced in July 3, 1996, filing.

Date of Intended Adoption: To be announced in July 3, 1996, filing.

June 1, 1996 Robert Turner Director

WSR 96-13-042 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed June 13, 1996, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-23-078.

Title of Rule: Amending WAC 308-66-110 Definitions, 308-66-120 Dealer's license application, 308-66-150 Warranty practices, 308-66-155 Consignment, 308-66-160 Dealer's and manufacturer's license plates, 308-66-170 Denial. suspension or revocation of license, 308-66-180 Record of transactions, 308-66-190 Transfer of certificate of title by dealer, 308-66-200 Transfer of vehicle to another dealer, 308-66-205 Vehicle odometer disclosure, 308-66-210 Statement of change in business structure, ownership interest or control, 308-66-211 Termination of business, 308-66-212 Sale, transfer or other disposition of noncorporate licensee and 308-66-214 Incorporation of licensee while licensed; new section WAC 308-66-227 Disclosure of title brands; and repealing WAC 308-66-206 Secure odometer power of attorney forms, 308-66-215 Mergers and consolidations of corporations, and 308-66-230 Titles-Combination tow truck operator-dealer.

Purpose: Amendatory sections WAC 308-66-110(4), to reflect the recent amendments to RCW 46.70.090 which eliminated the reference to bona fide full-time employee: WAC 308-66-120 (1)(a), housekeeping to align with information which we require on the dealer application; WAC 308-66-150(1), to correct a reference to statute; WAC 308-66-155 (1)(b)(ii), to edify RCW 46.70.124 (3)(c) to broaden the WAC so that every consignor will know what the dealer sold his/her vehicle for, regardless of the dealer's commission; WAC 308-66-155 (4)(a), updates the reference to statute and makes the WAC descriptive of what the duty relates to (that is transferring the title); WAC 308-66-160 (2)(b), to update the label of these permits; WAC 308-66-160(8), to align the WAC more closely with the testing for repairs provisions of the state. Also to correct a reference to statute; WAC 308-66-170(2), to update a reference to statutes; WAC 308-66-180 (1)(a), specifically requiring a copy of the computer title application to accommodate our audits for overcharge of license fees; WAC 308-66-180 [(1)](d), to specify records for audit purposes (these are ordinary dealer records); WAC 308-66-190(2), this updates the WAC to reflect current title application practices; WAC 308-66-200, merely an attempt to modernize the language to reflect current title procedures; WAC 308-66-205, to quote the codified laws; WAC 308-66-210 (1) and (2), to include limited liability companies in the language and to reflect the 10% ownership referenced in RCW 46.70.101 (1)(a); WAC 308-66-211, to eliminate an invalid reference to statute; WAC 308-66-212, to define the majority ownership which requires a new dealer license; and WAC 308-66-214, to mention the limited liability company.

New section WAC 308-66-227, to prescribe a reasonable place in common where the statutory disclosure must be placed.

Repeal WAC 308-66-206, secure powers of attorney are a thing of the past; WAC 308-66-215, this is not accurate language and is not useful. (A surviving corporation that is already licensed simply continues to be licensed. A new survivor would need a new license); and WAC 308-66-230, this is not appropriate language. Such title handling by registered tow truck operators is in chapter 46.55 RCW and has nothing to do with dealer laws.

Statutory Authority for Adoption: RCW 46.70.160.

Summary: The proposed rules will update the WAC chapter to reflect statutory amendments, correct some statute

or WAC references and make minor changes in procedures required of licensees.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, (360) 902-3704.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed amendments are all in the nature of housekeeping. Several are necessary to align the WAC with the statute by deleting language that contradicts the statute. In some cases the proposed language further aligns the WAC with licensing or industry practices. There should be no controversial items - we withdrew them by agreement with industry.

Proposal Changes the Following Existing Rules: All proposed sections are amendatory except for the new section WAC 308-66-227.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are housekeeping in nature and do not impose costs on businesses in the industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.230, 34.05.320, 34.05.325, 34.05.328, 34.05.330 and 34.05.354, nonapplicable; RCW 34.05.310, nonapplicable, rules are not negotiated or pilot; RCW 34.05.313, nonapplicable, not a pilot project; and RCW 34.05.322, not implementing statutes enacted after July 23, 1995 [1996].

Hearing Location: Department of Licensing, 1125 Washington S.E., Executive Conference Room 413, 4th Floor, Olympia, WA 98504, on July 24, 1996, at 9:00 a.m. - 11:00 a.m.

Assistance for Persons with Disabilities: Contact Gail Saul by July 17, 1996, (360) 902-3709.

Submit Written Comments to: Gail Saul, Department of Licensing, Dealer Services, P.O. Box 9039, Olympia, WA 98507, FAX (360) 586-6703, by July 17, 1996.

Date of Intended Adoption: September 7, 1996.

June 13, 1996 Robert E. Smith Administrator

AMENDATORY SECTION (Amending Order DLR 115, filed 12/9/86)

WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

- (1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.
- (2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.
- (3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for

business at regular intervals. Whenever a dealer closes his place of business during normal business hours, a sign must be posted on the main door of the business stating the time that he will next be open for business or where he may be contacted.

- (4) An "employee" of a dealer is ((one)) a person who ((is paid compensation for a minimum of sixteen hours each week and/or)) appears on the record of ((an employer)) the dealer as an employee for whom social security, withholding tax, and all deductions required by law have been made.
- (5) ((A "bona fide full-time employee" is one that is employed by the dealer for a minimum of thirty-five hours a week and appears on the records of an employer as an employee for whom social security, withholding tax, and all deductions required by law have been made.
- (6))) A "broker" shall mean any person, partnership, corporation, or association acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.
- (((7))) (6) An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will issue blank identification cards to licensed dealers on request.
- (((8))) (7) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.
- (((9))) (8) Current service agreement The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of said manufacturer's or distributor's new vehicles which qualify for adjustments under the said manufacturer's or distributor's warranty.
- $((\frac{(10)}{)}))$ (9) New vehicle warranty The warranty extended by a manufacturer or distributor to the first retail purchaser.
- $((\frac{(11)}{11}))$ (10) "Closing" shall mean the process of completion of sale transaction.
- (((12))) (11) "Completion of sale" shall mean purchaser has possession of vehicle, all liens against vehicle are paid, seller has sale proceeds, and warranty of title to vehicle has been accomplished.
- (((13))) (12) "Listing" shall mean a contract between a seller of a used mobile home and a listing dealer for the dealer to locate a willing purchaser of that listed used mobile home
- (((14))) (13) "Seller," as it relates to listing dealers, shall mean a person who lists a used mobile home with a listing dealer.
- (((15))) <u>(14)</u> "Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile home listed through a listing dealer.
- (((16))) (15) "Consignment" shall mean an arrangement whereby a motor vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.
- (((17))) (16) "Consignee" shall mean a vehicle dealer who accepts delivery or to whom a motor vehicle is entrusted for the purpose of sale on behalf of another.

- (((18))) (17) "Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.
- (((19))) (18) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

- WAC 308-66-120 Dealer's license application. (1) Each application shall contain in addition to the information required by RCW 46.70.041:
- (a) The names and <u>residential</u> addresses of all owners of ten percent or more of the assets of the firm and the names and addresses of managing employees;
- (b) The name and address of the principal place of business of the firm;
- (c) The names and addresses of each and every subagency of the firm, if any;
- (d) A current balance sheet of assets and liabilities which shall have been prepared within ninety days of its submission;
- (e) A statement of whether or not the applicant or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;
- (f) A detailed list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.
- (2) An applicant shall appear for a personal interview if requested by the department.
- (3) The department may require a credit report for each party named on each application for a dealer's license.
- (4) An applicant shall provide as evidence of leasehold or ownership interest of business location either:
- (a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or
- (b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.
- (5) The bank reference for verifying financial condition consisting of:
- (a) The name of applicant's bank, a person to contact at that bank concerning applicant's financial condition, or
 - (b) A letter of credit current within last 90 days, or
- (c) A flooring agreement, if with a financial institution, or
 - (d) A line of credit with a financial institution.
- (6) The department may require an applicant for a vehicle dealer license to provide evidence that the business location conforms to all zoning and land use ordinances.
- (7) A corporation applicant shall provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The name and address on the license application and all required supporting documents must be the same. The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.

AMENDATORY SECTION (Amending WSR 90-20-086, filed 9/28/90, effective 10/29/90)

- WAC 308-66-150 Warranty practices. (1) It shall not be considered unlawful under the provisions of RCW 46.70.180 (((11))) (14)(f) for a vehicle manufacturer to provide under the terms of any warranty that a purchaser of a vehicle must make warranty claims against only the manufacturer of an integral part of a vehicle if the manufacturer of that integral part has assumed a direct warranty obligation thereon to the purchaser and does, in fact, provide facilities or agencies within the states of Washington, Oregon or Idaho to discharge such warranty obligation.
- (2) No manufacturer need make reimbursement under RCW 46.70.101 (2)(j) except to dealers selling its product at retail or to the dealers holding units purchased from the manufacturer for resale at retail: *Provided, however*, That if the warranty agreement between the dealer and the manufacturer requires prior approval by the manufacturer, such approval must be given within a reasonable time and in no event later than ten days, except in emergency situations where the life, health, or safety of the occupant or owner requires immediate action.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-155 Consignment. (1) Contract.

- (a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180 for a vehicle dealer to accept any vehicle on consignment without first reducing the consignment to writing.
- (b) Minimum information required for consignment contracts.
- (i) The names of the parties to the contract including the identity of the legal owner.
- (ii) A statement by the consignor that the consignor guarantees to deliver the title to the consignee upon sale of the vehicle, as well as a statement by the consignor indicating the location of the title and the unpaid balance of the vehicle, if any.
 - (iii) The date of the consignment agreement.
 - (iv) The specific effective duration of the contract.
- (v) The agreed upon price which the consignor will receive for his vehicle.
- (vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.
 - (vii) The signatures of the parties to the contract.
- (viii) If no price has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the vehicle dealer will be entitled upon the sale of the consigned vehicle.
- (2) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authoriza-

tion from the consignor prior to the sale of the subject vehicle.

- (3) Requirements for selling consigned vehicles.
- (a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, shall be placed in a trust account as required under RCW 46.70.180(9), and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied as provided in the consignment agreement. It shall be considered an unlawful practice for a vehicle dealer or salesperson to commingle funds received on a consigned vehicle with the assets of the dealer and the salesperson until all terms of the agreement have been completed.
- (b) The amount due a consignor after the sale of the consigned vehicle shall be paid by the consignee immediately where title has been delivered to the purchaser, and in all cases shall be paid within ten days.
- (c) ((The consignor shall receive a copy of the purchase order used to complete the sale at the time the funds are remitted where the sale has been on a fee or commission basis.)) Immediately following the sale of a consigned vehicle the dealer shall give to the consignor a copy of the purchase order used to complete the sale.
 - (4) Consignee's duty to transfer title.
- (a) The sale of consigned vehicles imposes the same duty under RCW ((46.12.120)) 46.70.122 to the consignee ((as)) to promptly execute the assignment and warranty of title as in any other sale.
- (b) Prior to accepting a vehicle for consignment and offering it for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180(1).

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

- WAC 308-66-160 Dealer's and manufacturer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090. Prospective customers, when not accompanied by a dealer or member of his firm, shall be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.
- (2) When a dealer receives a vehicle bearing foreign license plates, such plates shall be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When a foreign-plated vehicle is sold to a resident of the state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:
- (a) The purchaser must have applied to his home state's vehicle licensing authority to register the vehicle in his own name, or

- (b) The purchaser must have obtained a ((one transit)) trip permit to move the vehicle from the dealer's place of business to his own state.
- (3) An employee of a dealer shall carry an employee identification card when operating any vehicle bearing dealer's plates.
- (4) Dealer's plates may not be used on any vehicle belonging to a member of the dealer's family.
- (5) Dealer's plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.
- (6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.
- (7) Dealers are required to provide reasonably accurate records reflecting the use of dealer plates.
- (8) Pursuant to RCW 46.70.090 (((5)(b))), testing vehicles for repair is limited to testing for a preexisting, identifiable problem known to the vehicle dealer or manufacturer before the testing is to begin.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-170 Denial, suspension or revocation of license. (1) When the license of a vehicle dealer has been suspended or revoked or an application has been denied, the department shall post a closure notice at or near the principal entry to the place of business. Such notice shall include a statement that the dealership is closed as to the sale of vehicles because of the denial, suspension or revocation of a license. In case of a suspension, the duration of the suspension shall be stated on the notice. A dealer shall not remove any closure notice without written permission from an authorized representative of the director.

- (2) Practices inimical to the health and safety of the citizens of the state of Washington pursuant to RCW 46.70.101 (((3))) (1)(b)(viii) and (2)(k) shall include, but not be limited to, failure to comply with the following federal and state standards, as presently constituted and as hereafter amended, amplified or revised, pertaining to the construction and safety of vehicles:
- (a) "Federal motor vehicle safety standards," 49 Code of Federal Regulations, part 571;
- (b) "Control of air pollution from new motor vehicles and new motor vehicle engines," 40 Code of Federal Regulations, part 85;
- (c) "Vehicle lighting and other equipment," chapter 46.37 RCW;
- (d) Rules and regulations adopted by the Washington state patrol pursuant to RCW 46.37.005, Title 204 WAC;
- (e) "Mobile homes, commercial coaches, park trailers, and recreational vehicles," chapter 296-150B WAC;
- (f) Housing and Community Development Act of 1974, Public Law 93-383, Title VI Mobile home construction and safety standards, §§ 603, 604, 610, 615, 616, 617.

AMENDATORY SECTION (Amending WSR 90-24-054, filed 12/3/90, effective 1/3/91)

WAC 308-66-180 Record of transactions. (1) The record of purchase and sale of vehicles maintained by a dealer shall, where applicable, include, but not be limited to:

- (a) A description of the vehicle, which shall include those items of description required on the Washington application for title, and in the case of a retail sale requiring a title transfer, a copy of the computer-generated title application processed by a license agent showing fees paid to the state;
- (b) The Washington license plate number assigned to the vehicle upon transfer;
- (c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580, or if a licensed vehicle dealer auction company conducting wholesale consignment sales, the odometer disclosure record for such sales as required in 49 Code of Federal Regulations, part 580.9;
- (d) ((The hardback copy of the temporary license permit after the permanent license plates have been provided to the purchaser, if the vehicle is delivered on such permit issued by the dealer.)) The purchase order shall be dated and include the business name of the dealer and a description of any trade-in vehicle by year, make and vehicle identification number.
- (2) The record of purchase and sale of the vehicle shall be maintained on all transactions whether at retail or wholesale.

AMENDATORY SECTION (Amending WSR 94-21-055, filed 10/13/94, effective 11/13/94)

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within forty-five calendar days following the sale of the vehicle.

- (2) The dealer shall in every case sign or type his/her name on the ((eertificate of title)) dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.
- (3) The name and address of the previous registered owner shall be shown on the application for transfer of title.
- (4) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

AMENDATORY SECTION (Amending Order MV 170, filed 7/16/73)

WAC 308-66-200 Transfer of vehicle to another dealer. When a dealer sells a vehicle to a second dealer, the first dealer shall fill out ((a dealer to dealer report of sale or a release of interest, attach to the certificate of title and deliver to the second dealer. The second dealer shall complete the dealer's report of sale on the application for transfer to the subsequent owner. When more than two dealers are involved, each dealer shall complete a dealer-todealer form or a release of interest except the final dealer who sells to a retail purchaser)) an assignment either on the secure title, on an odometer extension form or on an equivalent document if the vehicle is exempt from requiring an odometer disclosure. The ((final)) retailing dealer shall complete the dealer's report of sale on the application ((for transfer)) accompanying the transfer of title into the name of the purchaser.

AMENDATORY SECTION (Amending WSR 90-24-054, filed 12/3/90, effective 1/3/91)

WAC 308-66-205 Vehicle odometer disclosure. (1) A vehicle dealer shall obtain a vehicle odometer disclosure statement, on a form approved by the department, for all vehicles purchased and sold by the dealer unless otherwise exempted by ((section 6, chapter 238, Laws of 1990)) RCW 46.12.124.

- (2) When a vehicle is sold by a licensed vehicle dealer auction company to a nondealer, the dealer auction company must complete the odometer disclosure statement as the transferor, and the dealer auction company shall comply with all odometer disclosure requirements set forth in ((ehapter 238, Laws of 1990)) RCW 46.12.124.
- (3) Licensed vehicle dealer auction companies must retain the following odometer records for each vehicle sold at wholesale:
- (a) Name of the most recent owner, other than the auction company;
 - (b) Name of the buyer;
 - (c) Vehicle identification number; and
- (d) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

AMENDATORY SECTION (Amending Order DLR 115, filed 12/9/86)

WAC 308-66-210 Statement of change in business structure, ownership interest or control. (1) Any person, firm, association, corporation, entity or trust licensed as a dealer under RCW 46.70.021 must, within ten days following any change in its business structure or a ten percent change in its ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, ((majority)) ten percent stockholders, managing partners, members or trustees, must file within ten days of assuming such function an application and a legal and financial history, including corporation number if a corporation.

- (2) Any person, firm, association, corporation, entity or trust licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW shall advise the department within ten days of the change and/or addition to:
 - (a) The business structure of the licensee;
 - (b) The mailing address of a licensee;
- (c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. If the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in its lists of dealers.
- (3) Any and all changes affecting the applicability of a bond, if posted, shall be reflected by appropriate endorsement to such bond.

AMENDATORY SECTION (Amending Order MV 170, filed 7/16/73)

WAC 308-66-211 Termination of business. A dealer or a manufacturer who terminates his business shall return his license and special license plates to the department for cancellation within ten business days of such termination((, except as provided in RCW 46.70.081)).

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of ((an)) fifty-one percent ownership interest in a noncorporate licensee a new application for the appropriate license is required and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may continue to be used.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-214 Incorporation of licensee while licensed. A licensee which incorporates or forms a limited liability company while licensed shall file a new application for the appropriate license and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may continue to be used. The firm may request the preincorporation license number upon renewal.

NEW SECTION

WAC 308-66-227 Disclosure of title brands. The disclosure of any title brand required in RCW 46.70.101 (1)(b)(xi) shall be clearly made on the purchase order.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-66-206 Secure odometer power of attorney forms.

WAC 308-66-215 Mergers and consolidations of corporations.

WAC 308-66-230 Titles—Combination tow truck

operator-dealer.

WSR 96-13-043 PROPOSED RULES LIQUOR CONTROL BOARD

[Filed June 13, 1996, 12:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-09-044.

Title of Rule: WAC 314-10-090 Tobacco sampling sets forth criteria for sampling of tobacco products within the state.

Purpose: Clearly defines what is a tobacco sample.

Statutory Authority for Adoption: RCW 70.155.110. Statute Being Implemented: RCW 70.155.110.

Summary: Specifies what constitutes a tobacco sample. Reasons Supporting Proposal: To aid in enforcement of RCW 70.155. 050 and [70.155.]060.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Gilbert, Chief of Enforcement, 1025 East Union, Olympia, (360) 586-3052.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule and amendatory language explains the manner in which someone may sample tobacco products, what licenses are required and the portions of product which may be provided. The amendatory language clearly identifies what constitutes a sample.

Proposal Changes the Following Existing Rules: Clearly defines what amount of product is to be given as a sample. Individual amounts of tobacco product for the various forms of product are identified so as to make enforcement and compliance easier.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendatory language does not require business to expend additional money since all samples that would be accepted would be from normal retail stock.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board was not listed in this statute, thus was not included.

Hearing Location: On July 31, 1996, at 9:30 a.m., at the City Council Chambers, 210 East 13th Street, Vancouver, and on August 14, 1996, at 9:30 a.m., at the Red Lion Bayshore Inn, 221 North Lincoln, Port Angeles.

Assistance for Persons with Disabilities: Contact TTY 1-800-833-6388 by July 29 or August 12.

Submit Written Comments to: Washington State Liquor Control Board, Attn. PIO, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by August 12.

Date of Intended Adoption: August 21, 1996.

June 12, 1996 Nathan S. Ford, Jr. Chairman

AMENDATORY SECTION [(Amending WSR 93-23-016, filed 11/5/93)]

WAC 314-10-090 Tobacco sampling—Licenses. (1) No person may engage in providing tobacco samples within Washington state without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The liquor control board will issue any sampler's licenses.

(2) The annual fee for a manufacturer's samplers license within the state is \$500 and is designated a Class T1 license. The fee for independent businesses that provide samples of tobacco products is \$50 and is designated a Class T2 license. All sampler's licenses expire on the 30th day of June each year and must be renewed annually.

- (3) A sample is a small portion representative of the total product. T1 and T2 license holders may distribute samples of tobacco products pursuant to Chapter 70.155 RCW and Chapter 314-10 WAC as follows:
- (a) Cigarettes: No more than one sample package may be furnished per eligible customer per day. Such sample shall not contain more than twenty cigarettes per sample package.
- (b) Cigars: No more than one sample of any single brand and type and no more than two samples may be furnished per eligible customer per day. Such sample shall not contain more than one cigar per sample package.
- (c) Smokeless Tobacco Products: No more than one sample can, package or pouch may be furnished per eligible customer per day. Such sample can, package or pouch shall not exceed the size of the smallest unit available for sale at retail.
- (d) All Other Tobacco Products: No more than one sample unit may be furnished per eligible customer per day. Such sample unit shall not exceed the size of the smallest unit available for sale at retail.
- (e) T1 and T2 licensees than have sample packages available that contain less tobacco product than allowed by this section are encouraged to provide such alternative sizes.

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 96-13-044 WITHDRAWAL OF PROPOSED RULES HUMAN RIGHTS COMMISSION

[Filed June 13, 1996, 12:22 p.m.]

The Washington State Human Rights Commission hereby withdraws proposed WAC 162-38-100 in its entirety.

Merritt D. Long Executive Director

WSR 96-13-056 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 14, 1996, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-041.

Title of Rule: WAC 388-200-1300 and 388-200-1350, needs special assistance (NSA). Rules defining/identifying NSA clients, service provision and dispute resolution.

Purpose: To place in administrative rule department requirements for accommodating clients who have a mental, neurological, physical or sensory impairment or who otherwise have limitations which seriously affect their abilities to access programs in the same manner as those who are unimpaired. These rules are intended both to meet

the department's obligation under the Americans with Disabilities Act and, in addition, to provide client-oriented services to the disabled citizens of Washington state.

Statutory Authority for Adoption: RCW 43.05.322, 43.20A.550, 74.04.050, and 74.08.090.

Statute Being Implemented: RCW 74.04.050.

Summary: These rules describe department policies and practices to provide reasonable accommodation to clients who meet the definition of "needs special assistance." They provide for identification of "NSA clients," development of the accommodation plan, a set of core services to be provided to clients having mental health impairments, and procedures for dispute resolution.

Reasons Supporting Proposal: To implement the department's policy to provide program access to clients who need special assistance and to ensure compliance with the Americans with Disabilities Act, Title II.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Val Ivey, Program Manager, Olympia, Washington, (360) 438-8435.

Name of Proponent: Department of Social and Health Services, Economic Services Administration, Division of Employment and Social Services, governmental.

Rule is necessary because of federal law, "Americans with Disabilities Act (ADA): Title II, Technical Assistance Manual" section reference listing with regulatory reference. The following sections of the "Americans with Disabilities Act:" Title II, Technical Assistance Manual, have a direct relationship to the tenets of the changes being made in issuance 5582, short titled: NSA WAC. The regulatory reference is in parenthesis at the end of each subsection title.

Section II-1.2000 Public entity Section (28 CFR 35.102-35.104)

Section II-2.2000 Physical or mental impairments (28 CFR 35.104)

Section II-2.3000 Drug addiction as an impairment (28 CFR 35.104)

Section II-2.5000 Record of a physical or mental impairment that substantially limited a major life activity (28 CFR 35.104)

Section II-2.6000 "Regarded as" (28 CFR 35.104)

Section II-2.8000 Qualified individual with a disability (28 CFR 35.104)

Section II-3.2000 Equality in participation/benefits (28 CFR 35.130-35.135)

Section II-3.8000 Illegal use of drugs (28 CFR 35.104) Section II-5.2000 Methods for providing program accessibility (28 CFR 35.149-35.150)

Section II-7.1000 Equally effective communication (28 CFR 35.160-35.164).

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Requires the department to assist clients with physical, neurological, mental or sensory impairments/limitations who need accommodation in order to access the department's programs and services; and (2) these rules will become the basis for written procedures to guide staff on how to accommodate clients needing special assistance (NSA).

Proposal Changes the Following Existing Rules:

 The NSA policy will appear in the Financial and medical assistance—General provisions, chapter 388-200 WAC. In general, the regulations stating the depart-

- ment's and client's responsibilities. Several of the subsections have been engrossed to include provisions related to NSA. Two new sections will be added, WAC 388-200-1300 and 388-200-1350.
- Changes to WAC 388-200-1050, are requirements stated in the ADA—Title II, which function as the underpin for codifying NSA. The basic message covered in this section is that the client has the right to request accommodation, the department is to provide the accommodation in a routinized manner, and that the accommodation is to be reasonable.
- Changes to WAC 388-200-1100, will allow the NSA client to use the grievance process in order to seek relief when he or she feels that the department did not reasonably accommodate them. Its been determined that the grievance process is more cost efficient than the "fair hearing" (which is intended as an administrative forum more appropriate to denials, terminations, reductions and suspensions of benefits).
- Changes to WAC 388-200-1150 Exception to rule, will allow for circumstances related to impairments/ limitations to be considered when determining justification for granting exceptions.
- Changes to WAC 388-235-7500(7) will allow under "good cause determination" procedure, consideration that a limitation or impairment significantly interfered, thereby, causing problems to such an extent that the client was not able to comply with treatment or referrals.
- Changes to WAC 388-245-1170(2), will require that staff review NSA rules found in WAC 388-200-1300 regarding "notice of adverse action" prior to taking the adverse action.
- WAC 388-245-1300, has a typo, that was found during the WAC research in order to implement NSA rules.
- WAC 388-245-1350 [(2)](e), is changed to authorize the department to redirect an NSA client's warrant when the client has failed to respond to an informational request or a notice of adverse action.
- WAC 388-245-1715, requires the department to assist in garnering information for NSA clients. Also, added is a cross-reference to WAC 388-200-1300 (7)(b), NSA rules.
- WAC 388-245-1720, permits additional compliance time for clients in NSA status.
- Changes to WAC 388-265-1250, repeals subsection (7)(b), which would have conflicted with service requirements under the ADA's equal access mandate.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes have no impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not subject to RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by July 23, 1996, TDD (360) 753-0625, or (SCAN) 753-0625.

Submit Written Comments to and Identify WAC numbers: Sharon Staley, Department of Social and Health

Services Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by July 30, 1996.

Date of Intended Adoption: August 7, 1996.

June 14, 1996 Merry A. Kogut, Supervisor

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3807, filed 11/23/94, effective 1/1/95)

WAC 388-200-1050 Department and client responsibilities. (1) The department and the client shall:

- (a) Have a dual responsibility to determine and maintain eligibility for public assistance in the initial or redetermination of eligibility for assistance;
- (b) Further, the department shall provide special assistance to clients who have a mental, neurological, physical or sensory impairment or who otherwise have limitations which seriously affect their abilities to access programs in the same manner as those who are unimpaired.
 - (2) The department shall have the responsibility to:
 - (a) Treat a client with dignity and courtesy;
- (b) Give a client sufficient opportunity to make pertinent needs and special access needs known to the department;
- (c) Inform a client what the department can, or cannot, do for the client;
- (d) Respect the rights of a client under the U.S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, <u>Title II of the Americans with Disabilities Act of 1990</u> and all other relevant provisions of federal and state law when:
 - (i) Taking an application;
 - (ii) Determining eligibility; ((and))
- (iii) Administering financial and medical assistance programs; and
- (iv) Providing special assistance to reasonably accommodate individuals who have a mental, neurological, sensory, or physical impairment.
- (e) Avoid practices which violate the client's privacy or subject the client to harassment;
 - (f) Inform a client of:
- (i) The client's rights and responsibilities concerning eligibility for, and receipt of, assistance;
- (ii) All factors which may affect the client's continuing eligibility for assistance; ((and))
- (iii) Changes of law or rule which affect the client's eligibility; and
 - (iv) His or her right to reasonable accommodations.
- (g) Act promptly and correctly on all known changes which affect the client's eligibility for assistance;
- (h) Offer voter registration assistance to clients during face-to-face interviews at:
 - (i) Application;
 - (ii) Eligibility review or recertification; and
 - (iii) Change of address.
- (i) Accommodate clients needing special assistance (NSA) per WAC 388-200-1300(6).
 - (3) The client has the responsibility to:
- (a) Report all changes in the client's circumstances which affect eligibility for assistance. The client must report changes in writing promptly and accurately; and

(b) Take any reasonable action to develop resources which will reduce or eliminate the client's need for public assistance.

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

- WAC 388-200-1100 Grievance procedure. (1) If a client is aggrieved by a department decision, the client has the right to present a written grievance to the supervisor. The supervisor shall:
 - (a) Make a decision on the client's grievance; and
- (b) Send the client written notification of the supervisor's decision within ten days of receipt of the grievance.
- (2) If a client is not satisfied with the decision of the supervisor, the client has the right to present a written grievance to the supervisor's administrator. The administrator shall:
- (a) Make a decision on the client's grievance within ten days of receipt of the grievance; and
- (b) Send the client written notification of the administrator's decision within ten days of receipt of the grievance.
- (3) The written notice from the administrator terminates the grievance procedure.
- (4) The client's right to pursue a grievance shall not in any way prevent the client from requesting a fair hearing under chapter 388-08 WAC. Special assistance shall be provided to all NSA designees requesting a fair hearing under WAC 388-200-1300(6).
- (5) The department may respond to the client's grievance by informing the client that the department prefers that the fair hearing or judicial review process resolve the matter, if the client has a fair hearing or judicial review pending on the same issue.
- (6) The department shall provide special assistance to clients designated NSA to access the grievance process and to understand the outcomes under WAC 388-200-1300(6).

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

- WAC 388-200-1150 Exception to rule. (1) Rules for determining eligibility and amount of payment are based on federal and state law and are designed to permit the department to grant necessary assistance considering the client's requirements and resources.
- (2) State rules are based on living conditions which the department considers to apply to the majority of client situations. Individual circumstances may exist for clients, including those individuals needing special assistance, where application of a particular rule works in opposition to the desired objective stated in subsection (1) of this section.
- (3) The department cannot make an exception to a specific provision of federal or state law. However, the secretary, or designee, can authorize an individual case exception to a rule when:
- (a) The rule is not specifically enunciated in federal or state law; and
- (b) Granting an exception appears to be in the best interest of overall economy and the client's welfare.
 - (4) The department may grant an exception when:
- (a) The client's situation differs from that of the majority; or, the client's circumstances are peculiar;

- (b) It would ease the conditions the client would face without the assistance; and
- (c) It would increase opportunities for the client to function effectively.
- (5) The client does not have a right to a fair hearing as specified under chapter 388-08 WAC for an exception decision. An exception to the rule should be considered when the client's impairment(s) or limitation(s) has substantially interfered in the normal conduct of activities leading to determining or redetermining benefit or program eligibility.

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

WAC 388-200-1160 Notification of exception to rule request and decision. The department shall notify a client in writing. The notification must be given within ten days of:

- (1) A decision as to whether the department will initiate an exception to rule request when requested by the client;
- (2) Of the approval or denial of an exception to rule which was requested by the department.

NEW SECTION

WAC 388-200-1300 Clients needing special assistance (NSA). (1) "NSA clients" are individuals, who have a mental, neurological, physical or sensory impairment or who otherwise have limitations which seriously affect their abilities to access programs in the same manner as those who are unimpaired.

- (2) All department staff have a continuing responsibility to identify and assist NSA clients.
- (3) The department shall screen all applicants who come into direct contact in order to identify NSA clients.
- (a) Applicants and recipients included in the categories below will be initially presumed to need special assistance:
- (i) Identified as having or claiming to have a mental health impairment that seriously affects the individual's ability to access programs and services issued by the department in the same manner as those who are unimpaired;
 - (ii) Disabled by drug addiction or alcoholism;
 - (iii) Unable to read and/or write in any language;
 - (iv) Having a developmental disability;
- (v) Having sensory impairments that impede communications;
 - (vi) Having a physical impairment; and/or
 - (vii) A minor not residing with parents.
- (b) Applicants and recipients not presumed NSA but who appear to need special assistance shall be initially identified as NSA;
- (c) Clients initially identified as NSA will be assessed to confirm the NSA designation.
- (4) The department shall mark all NSA cases with a uniform NSA identifier.
- (5) Based on client request or changes in the client's needs, the NSA designation and accommodation plan may be reviewed.
- (6) An accommodation plan will be developed for all confirmed NSA clients which specifies the services to be provided the client to improve the client's access to department programs and services.

- (7) The following core services shall be included in the accommodation plans of all clients determined NSA under subsection (3)(a)(i) and (iv) above. These services shall also be provided to all NSA clients until their accommodation plans are developed. These services are:
- (a) Arranging for or providing assistance with completion and submission of forms;
- (b) Assisting in obtaining information necessary to determine eligibility or to maintain current benefits;
- (c) Explaining the department's adverse actions, see WAC 388-245-1000;
 - (d) Assisting with requests for fair hearings;
 - (e) Assisting with requests for continuing benefits;
- (f) Providing follow-up contact on missed appointments or deadlines;
- (g) Providing notification to the NSA individual's known advocate when informational requests or adverse action(s) notices are pending;
- (h) Redirecting and holding an AFDC or GA grant warrant through the twentieth day of the month following the month that adverse action notice was given, when the department is unable to determine eligibility. If eligibility is determined within the twenty-day period, the department will release to a client the correct grant amount that the client would have been eligible to receive for the month in which redirection occurred, do not prorate the redirected payment. See WAC 388-245-1350;
- (i) Providing protective payments as appropriate, in accordance with WAC 388-265-1250 (3) and (6).
- (8) Consider the effects of the client's limitations or impairment(s) on the client's ability to: accept or pursue required medical treatment, accept or pursue referrals to other agencies, provide timely monthly income reports, voluntarily quit employment, participate in food stamp employment and training, or participate in the job opportunities and basic skills (JOBS) program. The department shall find the client has good cause for refusal or failure to comply with these requirements and shall take no adverse action when the effects of the client's limitations or impairment(s) substantially contributed to the client's noncompliance.

NEW SECTION

WAC 388-200-1350 Dispute resolution for clients needing special assistance. (1) An applicant or recipient has the right to file a grievance with the department in accordance with the grievance procedures provided in WAC 388-200-1100, regarding any aspect of NSA services. The department shall offer to assist a client who expresses dissatisfaction with NSA services with filing and pursuing a grievance.

- (2) Department decisions as to NSA designations, accommodation plans or NSA services do not in themselves provide a basis for a fair hearing until the client has first completed the grievance process. This provision does not limit the client's rights to raise NSA designations, accommodation plans and NSA services in a fair hearing where they are relevant to other issues which are the subject of the fair hearing.
- (3) Failure to follow NSA requirements does not in itself invalidate department actions, except where the

applicant or recipient was denied benefits which he/she could have established eligibility had the department followed NSA requirements.

- (4) The department shall review the decision to terminate, suspend or reduce financial assistance to NSA recipients upon request. The department shall reinstate financial assistance for those months for which the department can determine that the client met program eligibility requirements and the adverse action:
- (a) Was taken because of the client's failure to comply with a department requirement;
- (b) The failure to comply was substantially related to the client's impairment; and
- (c) Was taken no more than ninety days prior to the request.
- (5) The department may reinstate assistance when the adverse action was taken more than ninety days prior to the request where administratively feasible and not prohibited by state or federal law.

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

WAC 388-265-1250 Protective or vendor payment due to mismanagement of grant. (1) The rules in this section do not apply to protective payment for the caretaker relative sanctioned by the department due to the refusal or failure of the caretaker relative to cooperate with:

- (a) The job and opportunities and basic skills training program (JOBS); or
 - (b) The office of support enforcement.
- (2) The department may use protective or vendor payment for cases in which the client:
- (a) Has demonstrated severe difficulty in managing money; and
- (b) For AFDC, has the capacity to learn, in a relatively short time, to manage assistance funds to assure the proper care of the child.
- (3) The department may authorize protective payment to help improve management and use of money for the best interest of the client.
- (4) The department shall base a decision to establish a protective payment plan due to the mismanagement of funds on the evidence contained in the case record. The evidence must be specific and clearly establish the fact that the way in which the funds are used by the client threatens the well-being of the child for AFDC or the GAU/SSI client.
- (5) Evidence of mismanagement includes, but is not limited to:
- (a) Continued inability to plan and spread necessary expenditures over the usual payment period;
- (b) Continued evidence that the child or GAU/SSI client is not properly fed and clothed;
- (c) For AFDC, that expenditures are made in such a way as to threaten the chances for healthy growth and development of the child;
 - (d) Medical or psychological evaluations;
- (e) An alcohol/drug assessment which establishes incapacity due to alcoholism or drug addiction;
- (f) Observation of gross physical conditions such as extensive paralysis, serious mental retardation, continued disorientation, or severe memory loss;

- (g) Persistent and deliberate failure to meet obligations for rent, food, and other essentials; and
- (h) Repeated evictions or compiling of debts against current income.
- (6) The department shall provide social services assistance to accomplish the educational and constructive purposes of the protective payment plan.
- (7) The department shall not use protective or vendor payment when:
- (a) The basic problem is insufficient funds rather than management of money; or
- (b) ((A mental or physical limitation prevents the client from learning how to manage the client's affairs; or
- (e))) A financial problem is due only to an emergent situation.
- (8) The department shall provide the client with written notice of the protective payment as described under WAC 388-265-1550.
- (9) The department may request the attorney general file a petition in the superior court for the appointment of a guardian for a child eligible for AFDC when the caretaker relative is not using the grant adequately for the needs of the child. Such guardianship, as provided under RCW 74.12.250, shall be:
- (a) Special and limited solely for the purpose of safeguarding the assistance grant made for the needs of a child;
 and
- (b) Terminated by the department on termination of the assistance grant, or sooner, upon order of the court.

AMENDATORY SECTION (Amending Order 3559, filed 7/29/93, effective 8/29/93)

WAC 388-235-7500 Good cause for refusing medical treatment or other agency referrals. The department shall find that a client has good cause for refusing required medical treatment when such client's refusal is based on any of the following conditions:

- (1) The client is genuinely fearful of undergoing required treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected;
- (2) The client could lose a faculty, or the remaining use of faculty, and refuses to accept the risk;
- (3) Because of the client's definitely stated religious scruples, the client will not accept required medical treatment;
- (4) The client is temporarily unable to participate in required medical treatment, due to an intervening incapacity. The temporary inability to participate must be documented by medical evidence. The requirement to participate is again imposed as soon as the client is able to participate;
- (5) The client was not properly notified of the treatment required and/or the consequences for failure to comply with these requirements; ((or))
- (6) The client's treatment required by previous written notification is subsequently determined by the department to have been inappropriate or unavailable. The department shall consider treatment unavailable when the treatment includes copayments or service charges not covered by the department, and the client is denied access to the treatment due to an inability to pay; or

(7) The client has limitations or impairments consistent with the definition of needing special assistance (NSA) and the effects of those limitations or impairments substantially contributed to the client's refusal to accept treatment or pursue services from other agencies.

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

WAC 388-245-1170 Department action on review of eligibility. As a result of the review of eligibility, the department shall:

(1) Take action so that all matters pertaining to incorrect past, current or future grants are brought into conformity with the rules of the department; and

(2) Notify the recipient according to the rules and procedures in this chapter when the review results in a change in amount of grant, suspension, termination, or the discovery of an overpayment. See rules related to needs special assistance (NSA) clients regarding adverse actions under WAC 388-200-1300 (7)(h).

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

WAC 388-245-1300 Change of grant amount. (1) The department shall adjust the grant of a continuing assistance recipient when a ((ehance)) change of circumstances reduces or increases the recipient's need.

(2) The department shall notify the recipient in writing when the department authorizes a change in grant amount.

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

WAC 388-245-1350 Redirection of warrant. (1) A recipient eligible for continuing assistance is entitled to regular and correct payment without undue interruption or delay. The department shall redirect a warrant only when:

- (a) An overpayment will occur; or
- (b) The warrant will not be received by the recipient.
- (2) Factors which justify redirection of a warrant are limited to:
- (a) The address of a recipient is unknown by the department or the recipient has reported that he or she has changed, or will change, his or her address prior to scheduled receipt of the warrant.
- (b) A change in payee is required for correct receipt of the warrant.
- (c) A proposed reduction, suspension, or termination of a grant as provided in WAC 388-245-1730.
- (d) A recipient has entered an institution and the department has been notified by someone acting on his or her behalf.
- (e) The recipient is NSA and has failed to respond to a request for information or adverse action notice in a timely manner and the department is unable to determine eligibility.
- (3) The department may redirect a warrant when an authorization has been submitted which cannot be processed before delivery date due to error in the authorization. The warrant is redirected so that necessary action can be immediately taken to continue payment in the correct amount.

- (4) The department shall notify the recipient before action is taken to redirect a warrant for any reason other than death. Such notification shall include:
 - (a) The reason for the redirect action; and
- (b) Assurance of correct payment, when appropriate, at the earliest possible date.
- (5) The department shall determine the recipient's eligibility or ineligibility for the warrant at the earliest possible date, but not later than thirty days after the date of its issuance.
 - (6) The department shall:
- (a) Cancel the warrant if ineligibility is determined and notify the recipient in writing of the reason for cancellation.
- (b) Release the warrant, or promptly reauthorize payment in the correct amount if it is not in the correct amount, according to WAC 388-245-1310.

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

WAC 388-245-1700 Written notice—Adverse actions for recipients. (1) The department shall mail written advance notice to recipients, at least ten days before the date of action to terminate, suspend, or reduce benefits to recipients of AFDC, Refugee, GA, or all medical assistance programs. The notice shall contain the:

- (a) Action the department intends to take;
- (b) Reasons for the intended action;
- (c) The specific rule or regulation supporting the action;
- (d) Recipient's right to request a fair hearing, including the circumstances under which assistance is continued if a hearing is requested; and
- (e) Full translation into the primary language of the limited English proficient recipient.
- (2) The department shall provide written adequate notice, as specified in subsection (1) of this section, when the ten-day notice is not required per WAC 388-245-1710.

Reviser's note: The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

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

WAC 388-245-1715 Recipient to provide information or take action to maintain continued eligibility for financial assistance. The department shall allow a recipient of financial assistance not less than ten calendar days to provide information or take a specific action that affects continuing financial eligibility. The department shall assist client's designated NSA with getting information in accordance with WAC 388-200-1300 (7)(b). Information necessary to determine the recipient's eligibility may include documents and statements verifying eligibility.

- (1) The department shall request such information or action in writing. The written request may be given to the recipient in person or sent to the recipient's last known address. The request shall include a statement of:
- (a) The information or specific action necessary to determine continuing eligibility;

- (b) The date by which such information must be provided or action taken; and
- (c) That failure to provide such information or take such action may result in termination or reduction of financial assistance.
- (2) The department shall take appropriate action to reduce, suspend or terminate financial assistance, including providing the recipient with advance and adequate notice of adverse action as provided in WAC 388-245-1700 if, during the ten calendar day period of time (see WAC 388-200-1300 (7)(h) regarding clients designated NSA), the recipient:
- (a) Does not take the action or provide the information during the specified time period;
- (b) Provides information or verification during the time period which is inadequate; or
- (c) Provides adequate information or verification which results in reduction, suspension, or termination of financial assistance.

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

WAC 388-245-1720 Recipient provides information or takes action during advance notice period. (1) The department shall take appropriate action to continue financial assistance if, during the advance notice period, the recipient:

- (a) Takes the requested action; or
- (b) Provides adequate information which does not result in reduction, suspension or termination of financial assistance.
- (2) The department shall provide an additional adequate notice to the recipient if, during the advance notice period, the recipient provides:
 - (a) Inadequate information; ((or))
- (b) Adequate information which results in termination, reduction, or suspension of financial assistance; or
- (c) The recipient is designated NSA and requires an accommodation to comply.
- (3) Advance notice is not required under subsection (2) of this section.

WSR 96-13-057 PROPOSED RULES BOARD OF PILOTAGE COMMISSIONERS

[Filed June 14, 1996, 4:03 p.m.]

Continuance of WSR 96-10-055.

Preproposal statement of inquiry was filed as WSR 96-05-054.

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 296-116-185.

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on June 20, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 17, 1996, (206) 464-7818.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 464-6368, by June 6, 1996.

Date of Intended Adoption: June 20, 1996.

June 13, 1996 Peggy Larson Administrator

WSR 96-13-058 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 14, 1996, 4:28 p.m.]

Continuance of WSR 96-13-018.

Title of Rule: Chapter 388-76 WAC, Adult family homes minimum licensing requirements.

Purpose: To establish in rule minimum licensing requirements for adult family homes (AFH).

Date of Intended Adoption: June 19, 1996.

June 14, 1996 Philip A. Wozniak for Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

WSR 96-13-063 PROPOSED RULES FORENSIC INVESTIGATIONS COUNCIL

[Filed June 17, 1996, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-018.

Title of Rule: Description and operations of agency.

Purpose: Comply with state law and advise interested parties of agency functions.

Statutory Authority for Adoption: RCW 34.05.020. Statute Being Implemented: Chapter 398, Laws of 1995.

Reasons Supporting Proposal: Comply with state law. Name of Agency Personnel Responsible for Drafting: Darrell Russell, 206 10th Avenue S.E., Olympia, 98501, (360) 753-2175; Implementation and Enforcement: Donald T. Reay MD, 325 9th Avenue, Seattle, 98104, (206) 731-8555.

Name of Proponent: Forensic Investigations Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to comply with state law by advising interested parties of agency operations.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Agency has no impact on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: State of Washington, Combined Transportation Center, 2505 112th East, Tacoma, WA, on July 26, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Darrell Russell by July 25, 1996, (360) 753-2175.

Submit Written Comments to: Darrell Russell, FAX (360) 753-3943, by July 25, 1996.

Date of Intended Adoption: July 26, 1995 [1996].

June 17, 1996 Darrell Russell Rules Coordinator

Title 218 WAC FORENSIC INVESTIGATIONS COUNCIL

Chapter 218-04 WAC FORENSICS

NEW SECTION

WAC 218-04-010 Purpose and duties. The forensic investigations council is established pursuant to chapter 398, Laws of 1995. The purpose of the forensic investigations council is to:

- (1) Preserve and enhance the state crime laboratory;
- (2) Fund the death investigation system and to make related state and local institutions more efficient;
 - (3) Preserve and enhance the state toxicology laboratory;
- (4) Provide resources necessary for the performance, by qualified pathologists, of autopsies;
- (5) Improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;
- (6) Establish and maintain a dental identification system; and
- (7) Provide flexibility so that any county may establish a county morgue when it serves the public interest.

NEW SECTION

WAC 218-04-020 Membership. The forensic investigations council consists of twelve members, selected by the governor, as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; the chief of the state patrol; two members of a county legislative authority; and one pathologist who is currently in private practice; and two members of a city legislative authority.

NEW SECTION

WAC 218-04-030 Officers. There shall be a chair and vice-chair elected from the members of the council. The chair does not vote except in case of a tie vote.

NEW SECTION

WAC 218-04-040 Meetings. (1) The forensic investigations council shall hold its regular meetings on the fourth Friday of each month, at 9:00 a.m., at the State of Washington Combined Transportation Center WSP Crime Laboratory, 2502 112th St. East, Tacoma, WA 98455. If at any time any

regular meeting falls on a holiday, such meeting shall be held at the direction of the chair. The forensic investigations council may hold other meetings from time to time when called by the chair or when requested, in writing, by five members of the council.

- (2) Seven members of the council shall constitute a quorum for the transaction of business.
- (3) All meetings of the council shall be open to the public pursuant to chapter 42.30 RCW Open Public Meetings Act
- (4) Meetings of the council shall be held in accordance with Roberts Rules of Order, Current Revised Edition, whenever requested by any member of the commission.
- (5) Conference calls by telephone are a proper form of meeting.

NEW SECTION

WAC 218-04-050 Public records. All public records of the forensic investigations council, including minutes, shall be available unless exempt for disclosure under chapters 41.17 or 42.30 RCW. Any member of the public may examine records of the commission by directing a request to the Executive or Deputy Director of the Washington Association of County Officials, 206 Tenth Avenue SE, Olympia, Washington 98501-1311, (360) 753-7319, FAX: 753-2842. The charge for copying records shall be pursuant to RCW 42.17.300.

WSR 96-13-064 PROPOSED RULES ENVIRONMENTAL HEARINGS OFFICE

(Shorelines Hearings Board) [Filed June 17, 1996, 1:34 p.m.]

Supplemental Notice to WSR 96-10-062.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4) (rules amending agency hearing procedures).

Title of Rule: Shorelines Hearings Board—Practice and procedure—Review of the granting, denying or rescinding of substantial development permits.

Purpose: Sets forth rules governing practice and procedure for hearings conducted by the Shorelines Hearings Board.

Statutory Authority for Adoption: RCW 90.58.175. Statute Being Implemented: Chapter 90.58 RCW.

Summary: Amendment of rules to conform with Washington Court of Appeals decision in *Den Beste v. Washington*, No. 13967-1-III (Div. III, April 18, 1996).

Name of Agency Personnel Responsible for Drafting: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; Implementation and Enforcement: Richard C. Kelley, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

Rule is necessary because of state court decision, *Den Beste v. Washington*, No. 13967-1-III (April 18, 1996).

Explanation of Rule, its Purpose, and Anticipated Effects: Brings board rules in conformance with state court

decision regarding triggering event for filing an appeal and computation of time.

Proposal Changes the Following Existing Rules: Brings board rules in conformance with state court decision regarding triggering event for filing an appeal and computation of time.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under ESHB 1010 and section 401(2) which states the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.310 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies described in ESHB 1010 and section 201 (5)(a)(1)[(i)] and as these are largely reorganizational changes dictated by state court decision, the Environmental Hearings Office is not voluntarily making section 201 (5)(a) applicable to these rules.

Hearing Location: Environmental Hearings Office, 4224 6th Avenue S.E., Lacey, WA, on August 5, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner, (360) 459-6327.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by July 31, 1996.

Date of Intended Adoption: August 5, 1996.

June 10, 1996 Suzanne Skinner Administrative Appeals Judge

NEW SECTION

WAC 461-08-310 Computation of time. (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

NEW SECTION

WAC 461-08-520 Rules of evidence—Official notice—Matters of law. The board and its hearing officers, upon request made before or during a hearing, will officially notice:

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

- (2) State law. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of Washington state courts and administrative agencies; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.
- (3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.
- (4) Agency organization. The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

WSR 96-13-065 PROPOSED RULES ENVIRONMENTAL HEARINGS OFFICE

(Pollution Control Hearings Board) [Filed June 17, 1996, 1:36 p.m.]

Supplemental Notice to WSR 96-10-063.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4) (rules amending agency hearing procedures).

Title of Rule: Pollution Control Hearings Board—Practice and procedure.

Purpose: Sets forth rules governing practice and procedure for hearings conducted by the Pollution Control Hearings Board.

Statutory Authority for Adoption: RCW 43.21B.170. Statute Being Implemented: Chapter 43.21B RCW.

Summary: Amendment of rules to comport with Washington State Court of Appeals decision in *Den Beste v. Washington*, No. 13967-1-III (Div. III, April 18, 1996).

Reasons Supporting Proposal: Amendment of rules to reflect changes in board practice to conform to *Den Beste v. Washington* decision.

Name of Agency Personnel Responsible for Drafting: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; Implementation and Enforcement: Richard C. Kelley, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

Rule is necessary because of state court decision, *Den Beste v. Washington*, 13967-1-III (April 18, 1996).

Explanation of Rule, its Purpose, and Anticipated Effects: Brings board rules in conformance with state court decision regarding triggering event for filing an appeal and computation of time.

Proposal Changes the Following Existing Rules: Brings board rules in conformance with state court decision regarding triggering event for filing an appeal and computation of time.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under ESHB 1010 and section 401(2) which states the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.310 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies described in ESHB 1010 and section 201 (5)(a)(1)[(i)] and as these are largely reorganizational changes dictated by state court decision, the Environmental Hearings Office is not voluntarily making section 201 (5)(a) applicable to these rules.

Hearing Location: Environmental Hearings Office, 4224 6th Avenue S.E., Lacey, WA, on August 5, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner, (360) 459-6327.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by July 31, 1996.

Date of Intended Adoption: August 5, 1996.

June 10, 1996 Suzanne Skinner Administrative Appeals Judge

NEW SECTION

WAC 371-08-310 Computation of time. (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

NEW SECTION

WAC 371-08-335 Filing a timely appeal with the board. (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is mailed to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

NEW SECTION

WAC 371-08-345 Service of the notice of appeal on the agency and other interested parties. (1) Within thirty days of the date that a copy of the agency's order or decision is mailed to the appellant, the appellant shall also serve a copy of the notice of appeal on the agency whose order or decision is being appealed. Proof of service may be made by certificate or affidavit filed with the board.

(2) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal. There is no time limit on when such service must be made.

NEW SECTION

WAC 371-08-505 Rules of evidence—Official notice—Matters of law. The presiding officer, upon request made before or during a hearing, will officially notice:

- (1) Federal law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.
- (2) State law. The Constitution of the state of Washington; acts of the legislature, resolutions, records, journals and committee reports; decisions of Washington state courts and administrative agencies; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.
- (3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.
- (4) Agency organization. The department, commission or board organization, administration, officers, personnel, and official publications.
- (5) Rules of regional authorities. Rules or regulations of air pollution control boards or authorities established pursuant to chapter 70.94 RCW, when such rules or regulations are filed with the board pursuant to RCW 43.21B.260.

WSR 96-13-066 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed June 17, 1996, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-041A.

Title of Rule: WAC 388-235-5050 Waiver of medical documentation and progressive evaluation process.

Purpose: Allow home and community services (HCS) to authorized assistance under the general assistance unemployable (GA-U) program for their clients without having to gather medical evidence. This population routinely meets GA-U disability criteria.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: The 1995 legislature required the Department of Social and Health Services (in E2SHB 1908) to focus access to services for chronic, long-term care clients to one location - HCS - in the aging and adult services administration (AASA). This means clients receiving public assistance who need long-term care services will be transferred to HCS to determine continued eligibility for assistance.

Proposed [16]

Reasons Supporting Proposal: Proposed WAC is beneficial for clients and will simplify the application process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, Division of Income Assistance, (360) 438-8317.

Name of Proponent: 1995 legislature, 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: The department is preparing for the transfer of long-term care clients from economic services administration to HCS. Revising department policy will facilitate the transfer while ensuring assistance continues to be correctly authorized.

Proposal Changes the Following Existing Rules: Proposed WAC expands rules to waive medical evidence of incapacity for long-term care clients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal effects only long-term care clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency in RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E, Olympia, WA 98504, on July 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by July 9, 1996, TDD (360) 753-0[625].

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by July 16, 1996.

Date of Intended Adoption: July 24, 1996.

June 17, 1996
Philip A. Wozniak
for Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3559, filed 7/29/93, effective 8/29/93)

WAC 388-235-5050 Waiver of medical documentation and progressive evaluation process (PEP). The department shall consider incapacity established without medical documentation and a progressive evaluation process (PEP) when a person is:

- (1) Eligible for a financial benefit based on Social Security Administration disability criteria;
- (2) Eligible for services from the division of developmental disabilities;
 - (3) Sixty-five years of age or older; ((ef))
- (4) Released from inpatient psychiatric treatment and is participating in direct treatment services to meet the client's mental health needs. In such cases:
- (a) The department shall establish a person's incapacity for ninety days without a psychiatric/psychological evaluation; or

- (b) The department shall not establish a person's incapacity if the client leaves ongoing inpatient psychiatric treatment against medical advice.
- (5) Eligible for long-term care services administered by the aging and adult services administration of the department directly or through contract with area agencies on aging; or
- (6) Released from aging and adult services administered long-term care services in a medical institution. In such cases, incapacity shall be established for ninety days from the date of release.

WSR 96-13-070 PROPOSED RULES GAMBLING COMMISSION

[Filed June 18, 1996, 8:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-071; and exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Public card room enhancement program—Pilot study and test.

Purpose: To authorize the director to enter into agreements with public card room licensees, subject to commission approval, to test regulatory requirements implementing amendments made to RCW 9.46.0281, social card game definition. The rule also provides for the commission to collect deposits to cover the costs of regulating the activity as required by RCW 9.46.070(5).

Statutory Authority for Adoption: RCW 9.46.0281, 9.46.070 (1), (2), (4)-(8), (11), (12), (14), (20).

Statute Being Implemented: RCW 9.46.0281.

Summary: The director will enter into agreements with individual public card room licensees to test regulatory requirements to allow licensees to operate up to fifteen card tables, collect fees through methods other than charging time, and act as custodians for player supported progressive prize contests.

Reasons Supporting Proposal: To test regulatory requirements before adopting permanent rules.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank L. Miller, Lacey, (360) 438-7654, ext. 310.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The test is anticipated to help agency staff and licensees learn and understand how best to regulate the newly authorized activities.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule falls under the exemption for preparing a small business economic impact statement set forth under RCW 19.85.025(2). Commission staff also anticipate this rule will not affect more than 10% of those engaged in the tavern and/or restaurant business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Silverdale on the Bay/WestCoast Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, on August 9, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by August 7, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by August 7, 1996.

Date of Intended Adoption: August 9, 1996.

June 17, 1996 Michael R. Aoki-Kramer Rules and Policy Coordinator

NEW SECTION

WAC 230-40-999 Public card room enhancement program—Pilot study and test. The 1996 legislature enacted changes to the definition of a social card game, set forth in RCW 9.46.0281. The commission finds it to be in the public interest to conduct a pilot study to test regulatory provisions implementing the 1996 statutory changes. The statutory changes include increasing the number of card tables, authorizing licensed card room operators to act as custodians of player-supported progressive prize contests, and collecting fees through methods other than fees based on a period of time played. Licensees may voluntarily participate in the test subject to the following terms and conditions:

- (1) The test shall commence July 1, 1996, and conclude June 30, 1997, or until such time as permanent rules are adopted, whichever is later. By March 1997, commission staff shall report to the commission on the progress of the test and shall submit rules for formal implementation of the public card room enhancement program with the goal of formal implementation by July 1, 1997.
- (2) The licensee shall enter into an agreement with the director regarding the terms and conditions of the test for that particular licensee. If the terms and conditions of the agreement conflict with existing gambling commission rules, the agreement will supersede for the duration of the test;
- (3) The terms and conditions of each agreement shall be submitted to the Commission and when approved shall be binding on the licensee. Any violation of the agreement shall be grounds for removal from the test.
- (4) The licensee must have been operating a class "E-1" through "E-5" card room either before June 6, 1996, or for at least six months before implementing test scope of activities;
- (5) The non-refundable deposit required to participate in the test shall be based on amounts necessary to cover the commission's cost to conduct the test. During the test, participants may be assessed additional amounts necessary to recover commission costs. As part of the application to participate, applicants shall make the following deposits:
- (a) The deposit for testing an increased number of tables shall be those set forth in WAC 230-04-203 (\$3,160), plus:
 - (i) Six through ten tables: \$1,200 per table; or

- (ii) Eleven through fifteen tables: \$6,000, plus \$1,500 per table;
- (b) The deposit for testing player-supported progressive prize contests shall be \$1,020 plus:
- (i) One through three prize contest: \$240 per contest;
- (ii) Greater than three contests: \$720 plus \$120 per contest.
- (c) The deposit for testing fee collection methods other than fees based on a period of time shall be \$1,020 plus:
 - (i) One through five tables: \$120 per table;
 - (ii) Six through ten tables: \$600 plus \$240 per table; or
 - (iii) Greater than ten tables: \$1,800 plus \$360 per table.
- (7) In the event a licensee violates the terms of its agreement or fails to pay assessments within seven days of billing, the director shall have the authority to remove that licensee from participation in the test. Upon removal from the test, the licensee will return to its pre-test scope of activities. Removal from the test shall not be subject to review or appeal.

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 96-13-072 PROPOSED RULES GAMBLING COMMISSION

[Filed June 18, 1996, 8:46 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 230-12-005 Effective dates for commission rule-making orders.

Purpose: To formalize commission policy regarding the effective dates of rule-making orders.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 9.46.070.

Summary: Rule-making orders passed during January through June shall be effective during July. Rule-making orders passed during July through December shall be effective during January.

Reasons Supporting Proposal: Formalization of existing policy.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal falls under the exemption set forth at RCW 19.85.025(2).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make

section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Silverdale on the Bay/WestCoast Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, on August 9, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by August 7, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by August 7, 1996.

Date of Intended Adoption: August 9, 1996.

June 17, 1996 Michael R. Aoki-Kramer Rules and Policy Coordinator

NEW SECTION

WAC 230-12-005 Effective dates for commission rule making orders. Commission rule making orders shall specify effective dates as follows:

- (1) Rule making orders passed during the months of January through June shall be effective during the month of July.
- (2) Rule making orders passed during the months of July through December shall be effective during the month of January.
- (3) The Commission may specify earlier or later effective dates for rule making orders and shall specify its reasons for such adoptions as required by RCW 34.05.350 (emergency rule adoptions) and RCW 34.05.380(3) (establishing effective dates earlier than 30 days after filing).

WSR 96-13-073 WITHDRAWAL OF PROPOSED RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:39 a.m.]

The Washington Personnel Resources Board (WPRB) hereby withdraws the proposed amendment to WAC 356-42-045 filed as WSR 96-10-066 on May 1, 1996.

If you have any questions, please contact Judy Montoure at 586-1770.

Dennis Karras Secretary

WSR 96-13-081 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 94-35-Filed June 18, 1996, 1:11 p.m.]

Continuance of WSR 96-06-036.

Preproposal statement of inquiry was filed as WSR 95-06-067.

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.

Purpose: Continuation of adoption date.

Date of Intended Adoption: August 15, 1996.

June 18, 1996 Mary Riveland Director

WSR 96-13-087 WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

(By the Code Reviser's Office) [Filed June 18, 1996, 4:33 p.m.]

WAC 314-14-170, proposed by the Liquor Control Board in WSR 95-24-039, appearing in issue 95-24 of the State Register, which was distributed on December 20, 1995, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor Washington State Register

WSR 96-13-100 PROPOSED RULES DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 19, 1996, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-079.

Title of Rule: Deferred compensation plan and dependent care assistance plan.

Purpose: Effectuate statutory transfer of duties of the Committee for Deferred Compensation to the Department of Retirement Systems by (1) recodifying the plan documents for the deferred compensation plan and the dependant care assistance plan from Title 154 WAC to Title 415 WAC; (2) making technical changes appropriate to the transfer of these programs to the department; and (3) establishing an appeal process for department determinations under the deferred compensation program.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.780(11).

Statute Being Implemented: RCW 41.50.030(2), 41.50.088(5), 41.50.770, 41.50.780.

Summary: Transfers administrative rules governing the deferred compensation plan from the title reserved for the Committee for Deferred Compensation, (which no longer exists as of July 1, 1996) to the title reserved for the Department of Retirement Systems. The changes substitute "department" and "employer retirement benefits board" for "committee" when appropriate, substitute appropriate DRS appeal process for CDC processes, and to update citations to Internal Revenue Code.

Reasons Supporting Proposal: The changes are necessary to effectuate the legislature's transfer of duties from the Committee for Deferred Compensation to the Department of Retirement Systems, effective July 1, 1996.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lee Dreisbach, 2600 Martin Way, Suite D, (360) 586-4985.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed rules is to effectuate the statutory transfer of duties of the Committee for Deferred Compensation to the Department of Retirement Systems by (1) recodifying the plan documents for the deferred compensation plan and the dependent care assistance plan from Title 154 WAC to Title 415 WAC; (2) making technical changes appropriate to the transfer of these programs to the department; and (3) establishing an appeal process for department determinations under the deferred compensation program. The anticipated effect of the rule will be to bring the codification and text of the rules governing the deferred compensation program into alignment with the legislature's shift of responsibility for the program from the Committee for Deferred Compensation to the Department of Retirement Systems. The only substantive affect upon the operation of the deferred compensation plan is an alteration of the process for appealing denials of withdrawals due to unforeseeable emergencies. The termination of the committee necessitated new procedures for accommodating those appeals consistent with the Administrative Procedure Act.

Proposal Changes the Following Existing Rules: The proposal (1) recodifies the plan documents for the deferred compensation plan and the dependant care assistance plan from Title 154 WAC to Title 415 WAC; and (2) makes technical changes appropriate to the transfer of these programs to the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect public employees eligible to participate in the deferred compensation program. The rules do not place any requirements upon, nor affect any rights of, any private business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on July 25, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Paul Neal by July 19, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: July 27, 1996.

June 19, 1996
Paul Neal
Rules Coordinator

Chapter 415-04 WAC PETITION PROCEDURE

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-04-010 Petition—Procedure. ((All petitions concerning: Applications for service credits, service retirement benefits, membership and membership credits in the retirement systems, disability benefits except as otherwise provided by law, survivor benefits, and for decisions relating to benefit increases provided by RCW 41.16.145 or 41.18.104 shall follow the procedure established in this chapter.)) (1) The procedure established in this chapter shall apply to all petitions for:

- (a) Service credits;
- (b) Service retirement benefits;
- (c) Membership and membership credits in the retirement systems;
- (d) Disability benefits, except as otherwise provided by law;
 - (e) Survivor benefits; and
- (f) Decisions relating to benefit increases provided by RCW 41.16.145 or 41.18.104.
- (2) All applications for review of decisions on requests for pay out of accumulated deferred compensation deferrals due to an unforeseeable emergency shall follow the procedure established in WAC 415-08-015.

AMENDATORY SECTION (Amending WSR 93-11-079, filed 5/18/93, effective 6/18/93)

WAC 415-04-020 Petition—Response—Decision—Appeal. (1) <u>Time limit for filing appeals</u>. A person aggrieved by a decision of an administrator may <u>appeal the decision by filing a</u> petition to the director's designee for redress. ((The initial application or petition shall contain the following:

(a) A complete and detailed statement of the factual situation underlying the application or petition; which may include all relevant documents and sworn statements deemed appropriate by the petitioner;

(b) A coneise but detailed statement of the constitutional, statutory or common law provisions or precedents relied upon by the petitioner in support of his or her petition;

- (e) An identification and signature of the individual or individuals filing the petition, as well as an identification of legal counsel if such persons are represented by the same; and
- (d) The address to which the petitioner wishes further correspondence from the department to be sent.
- (2) Upon receipt of the petition, the director will assign the same to the director's designee. The director's designee will, within seven days, give notice of the filing of the petition to either the employer(s) if the petitioner is a member(s) or the affected member(s) if the applicant or petitioner is an employer(s). Said notification shall request the employer(s) or member(s) to submit any written response to the petition no later than 20 days from the date of receipt of the notice, except upon an extension being granted by the director's designee upon good cause shown. The response shall generally take the form of and contain information required of the original petition as described in this section. If at any time the director's designee in his or her role as fact finder determines that additional information is necessary to decide the petition, he or she may request such

additional information. The person from whom the information is requested will respond no later than within twenty days from the receipt of such request except upon an extension being granted by the director's designee upon good eause shown.

- (3) Upon receipt of the response, the director's designee shall forward a copy of the response to the original petitioner who shall have ten days in which to reply to the same.
- (4) Within thirty days of the expiration of the ten-day period for reply following the director's designee's final request for information, the director's designee shall enter a written decision containing such findings of fact and conclusions of law as he or she deems necessary to dispose of the matter. The decision will be sent to petitioner via certified mail:
- (5) The decision of the director's designee may be appealed to the director. An appeal must be filed with the director no later than sixty days after petitioner's receipt of the decision in accordance of the procedures established by chapter 415-08 WAC. An appeal to the director of the director's designee's decision is a necessary prerequisite to appeal to the superior court of the state of Washington.)) The petition must be filed within one hundred twenty days from the date the administrator's decision was communicated to the person.
- (2) If a person fails to file a timely petition, the person waives the right to judicial review due to failure to exhaust administrative remedies as required by RCW 34.05.534.

NEW SECTION

WAC 415-04-030 Contents of petition. The person's petition must contain:

- (1) A complete and detailed statement of the factual situation underlying the application or petition; which may include all relevant documents and sworn statements deemed appropriate by the petitioner;
- (2) A concise but detailed statement of the constitutional, statutory or common law provisions or precedents relied upon by the petitioner in support of his or her petition;
- (3) An identification and signature of the individual or individuals filing the petition, as well as an identification of legal counsel, if any; and
- (4) The address to which the petitioner wishes further correspondence from the department to be sent.

NEW SECTION

WAC 415-04-040 Time period for processing petition. (1) Upon receipt of the petition, the director will assign the same to the director's designee. The director's designee will notify either the employer(s) if the petitioner is a member(s) or the affected member(s) if the applicant or petitioner is an employer(s) of the filing of the petition within fourteen days. Said notification shall request the employer(s) or member(s) to submit any written response to the petition no later than twenty days from the date of receipt of the notice.

(a) If at any time the director's designee in his or her role as fact finder determines that additional information is necessary to decide the petition, he or she may request such additional information. The person from whom the informa-

- tion is requested will respond no later than within twenty days from the receipt of such request.
- (b) The director's designee may extend the time limit for response if the requesting party shows good cause to do so
- (2) Upon receipt of the response, the director's designee will forward a copy of the response to the petitioner. The petitioner will have ten days to reply. If the petitioner does not reply within ten days, he or she waives the right to reply.
- (3) Within sixty days of the expiration of the ten-day period for reply following the director's designee's final request for information, the director's designee shall enter a written decision. The written decision will contain such findings of fact and conclusions of law as he or she deems necessary to dispose of the matter. The decision will be sent to the petitioner via certified mail.

NEW SECTION

WAC 415-04-050 Appeal of petition decision. An aggrieved party may appeal the decision of the director's designee to the director.

- (1) An appeal must be filed with the director no later than sixty days after petitioner's receipt of the decision in accordance with the procedures established by chapter 415-08 WAC.
- (2) If a party fails to file a timely appeal the party waives the right to judicial review due to the failure to exhaust administrative remedies as required by RCW 34.05.534.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-01-010 Plan established.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-04-010	Employer.
WAC 154-04-020	Compensation.
WAC 154-04-030	Deferred compensation.
WAC 154-04-041	Accumulated deferrals.
WAC 154-04-050	Participation agreement.
WAC 154-04-065	Separation from service.
WAC 154-04-070	Participant.
WAC 154-04-075	Beneficiary.
WAC 154-04-080	Committee.
WAC 154-04-100	Eligible employee.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-08-010 WAC 154-08-020	Administered by committee. Committee to adopt rules and
	regulations.
WAC 154-08-030	Committee action fair and reasonable.
WAC 154-08-040	Committee to maintain records
	of accounts.

WAC 154-08-050

Deferred compensation revolving fund.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-12-010	Enrollment.
WAC 154-12-015	Plan to plan transfers.
WAC 154-12-020	Deferral limitation.
WAC 154-12-030	Catch-up provision.
WAC 154-12-040	Committee may disallow deferral.
WAC 154-12-050	Modification of deferral or investment option(s).
WAC 154-12-070	Suspension and reinstatement of deferrals.
WAC 154-12-075	Investment options.
WAC 154-12-080	Designation of beneficiaries.
WAC 154-12-085	Distribution to participant after separation from service.
WAC 154-12-086	Distribution in the event of death of participant.
WAC 154-12-087	Distribution in event of death of beneficiary.
WAC 154-12-090	Elections regarding distribution.
WAC 154-12-110	Distribution of deferrals.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-24-010

Unforeseeable emergency.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-28-010

Leave of absence.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-32-010

Termination of plan.

WAC 154-32-020

Amendment of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-36-010

Retirement and Social Security not reduced.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-40-010

Assets in lieu of cash.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-44-010

Accumulated deferrals not

assignable.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-48-010

Plan assets.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-52-010

Participation by committee

members.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-56-010

Employer contributions.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-60-010

Investment responsibility.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-64-010 Plan prevails. WAC 154-64-020 Decision binding. WAC 154-64-030 Committee to interpret. WAC 154-64-040 Tax status not guaranteed. WAC 154-64-050 Committee may require court order.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-68-010

WAC 154-64-060

Plan to conform to state law.

Delegation of authority.

WAC 154-68-020

Plan to conform to federal law.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-110-010 Plan established. WAC 154-110-015 Separate plan. WAC 154-110-020 Interpretation. WAC 154-110-030 General description of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Committee.
Qualifying person(s).
Dependent care expenses.
Dependent care account.
Eligible employee.
Employer.
Internal Revenue Code.
Participant.
Plan.
Plan year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-130-010	Participation in plan.
WAC 154-130-020	Salary reduction agreement.
WAC 154-130-030	Changes in family status.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-140-010	Plan benefits.
WAC 154-140-020	Maximum benefits.
WAC 154-140-030	Reduction of benefits.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-150-010	Submittal of claims.
WAC 154-150-020	Payment of claims.
WAC 154-150-030	Report to participant.
WAC 154-150-040	Deadline for submitting claims.
WAC 154-150-050	Forfeiture of unexpended
	funds.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-160-010	Salary reduction account.
WAC 154-160-020	Rights of participants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-170-010	Termination of	participation
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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-180-010	Administered by committee.
WAC 154-180-020	Delegation of authority.
WAC 154-180-030	Proper proof.
WAC 154-180-040	Genuineness of documents.
WAC 154-180-050	Reliance on information.
WAC 154-180-060	Condition of participation.
WAC 154-180-070	Decision binding.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-190-010	Termination or amendment of
	plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-200-010	Communication to employees.
WAC 154-200-020	Nonassignability of rights.
WAC 154-200-030	No guarantee of tax conse-
	quences.
WAC 154-200-040	Indemnification of employer by participants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-300-005	Description of committee for deferred compensation.
WAC 154-300-010	
	Purpose.
WAC 154-300-020	Definitions.
WAC 154-300-030	Public records officer.
WAC 154-300-040	Office hours.
WAC 154-300-050	Request for public records.
WAC 154-300-060	Copying.
WAC 154-300-070	Exemptions.
WAC 154-300-080	Review of denials of public
	records request.
WAC 154-300-090	Protection of public records.
WAC 154-300-100	Records index.
WAC 154-300-110	Request for records by mail-
	Address.
WAC 154-300-120	Adoption of form.
	-

Chapter 415-504 WAC DEFINITIONS

NEW SECTION

WAC 415-504-010 Accumulated deferrals. "Accumulated deferrals" means compensation deferred under the plan, adjusted until date of payment by income received, increases or decreases in investment value, fees, and any prior distributions made.

WAC 415-504-020 Beneficiary. "Beneficiary" means a beneficiary of a participant, a participant's estate, or any other person whose interest in the plan is derived from the participant.

NEW SECTION

WAC 415-504-030 Compensation. "Compensation" means all payments made to a public employee by the employer as remuneration for services rendered.

NEW SECTION

WAC 415-504-040 Deferred compensation. "Deferred compensation" means the amount of the participant's compensation which the participant and the employer shall mutually agree (prior to the date on which such compensation is earned) will be deferred.

NEW SECTION

WAC 415-504-050 Department. "Department" means the department of retirement systems created by RCW 41.50.020.

NEW SECTION

WAC 415-504-060 Eligible employee. "Eligible employee" means any person who is employed by and receives any type of compensation from the employer for whom services are rendered, and who is a full-time, permanent part-time working half-time, or more, or career seasonal employee of the employer, whether or not covered by civil service; an elected or appointed official of the executive branch of the government, including any full-time member of a board, commission, or committee; a justice of the supreme court, or a judge of the court of appeals or of a superior court; or a member of the state legislature.

NEW SECTION

WAC 415-504-070 Employee retirement benefits board. "Employee retirement benefits board" means the board created by RCW 41.50.086.

NEW SECTION

WAC 415-504-080 Employer. "Employer" means:

- (1) The state of Washington, one of the fifty states of the United States, as described in Section 1.457-2 (c)(1) of the final regulations promulgated under Section 457 of the Internal Revenue Code; and
- (2) Approved political subdivisions of the state of Washington.

NEW SECTION

WAC 415-504-090 Participant. "Participant" means any eligible employee of the employer who executes a participation agreement with the department assenting to the provisions of this plan, once the agreement has been approved by the department or its designee.

NEW SECTION

WAC 415-504-100 Participation agreement. "Participation agreement" means the agreement executed and filed by an eligible employee with the employer pursuant to WAC 415-512-010, in which the eligible employee elects to become a participant in the plan.

NEW SECTION

WAC 415-504-110 Separation from service. "Separation (or separates) from service" means "separation from service" as that term is interpreted for purposes of Section 402 (d)(4)(A)(iii) of the Internal Revenue Code and refers to lump sum payments and the severance of the participant's employment with the employer. A participant will be deemed to have severed his or her employment as of the date of his or her last payroll.

Chapter 415-524 WAC UNFORESEEABLE EMERGENCY

NEW SECTION

WAC 415-524-010 Unforeseeable emergency. (1) Payout request. Notwithstanding any other provisions in plan chapters 415-501 through 415-568 WAC, in the event of an unforeseeable emergency, a participant (or a beneficiary entitled to accumulated deferrals) may request the department to pay out all or a portion of accumulated deferrals. If the application for payment is approved by the department, payment will be made within sixty days following such an approval. The amount paid shall be limited strictly to that amount reasonably necessary to satisfy the emergency need.

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from:

- (a) A sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant,
 - (b) Loss of the participant's property due to casualty, or
- (c) Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved:
- (i) Through reimbursement or compensation by insurance or otherwise;
- (ii) By liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or
 - (iii) By cessation of deferrals under the plan.

Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

(2) Applications for review. All applications for review of decisions on requests for pay out of accumulated deferrals due to an unforeseeable emergency shall follow the procedure established in WAC 415-08-015.

Chapter 415-528 WAC LEAVE OF ABSENCE

NEW SECTION

WAC 415-528-010 Leave of absence. If a participant is on an approved leave of absence from the employer, participation in this plan shall continue.

Chapter 415-532 WAC AMENDMENT OR TERMINATION OF PLAN

NEW SECTION

WAC 415-532-010 Termination of plan. The employer or the department may at any time terminate this plan. Upon such termination, accumulated deferrals will be paid pursuant to chapter 415-512 WAC of the plan. The participants' deferrals will cease.

NEW SECTION

WAC 415-532-020 Amendment of plan. The department may also amend the provisions of this plan at any time: *Provided, however*, That no amendment shall affect the rights of participants or their beneficiaries regarding accumulated deferrals at the time of the amendment.

Chapter 415-536 WAC RELATIONSHIP TO OTHER PLANS

NEW SECTION

wac 415-536-010 Retirement and Social Security not reduced. It is intended that, pursuant to Section 457 of the Internal Revenue Code, the amount of deferred compensation will not be considered as current compensation for purposes of federal income taxation. Such amounts will, however, be included as compensation in determining benefits or rights under the employer's group insurance, other retirement plans and FICA. Payments under this plan will supplement retirement and death benefits payable under the employer's group insurance and other retirement plans.

Chapter 415-540 WAC TRANSFER IN LIEU OF CASH

NEW SECTION

WAC 415-540-010 Assets in lieu of cash. Upon the occurrence of any event requiring the payment of accumulated deferrals under this plan, the department may, in its sole discretion, elect to honor a request from the participant to substitute the transfer in kind and assignment of any asset which the employer has acquired, at fair market value.

Chapter 415-544 WAC NONASSIGNABILITY CLAUSE

NEW SECTION

WAC 415-544-010 Accumulated deferrals not assignable. It is agreed that neither the participant, nor the participant's beneficiary or beneficiaries, nor any other

designee, shall have any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments hereunder, which payments and right thereto are expressly declared to be nonassignable and nontransferable; and in the event of attempt to assign or transfer, the employer shall have no further liability hereunder, nor shall any unpaid accumulated deferrals be subject to attachment, garnishment or execution, or be transferable by operation of law in event of bankruptcy, insolvency, except to the extent otherwise required by law.

Chapter 415-548 WAC ASSETS

NEW SECTION

WAC 415-548-010 Plan assets. All amounts of compensation deferred under the plan, all property and rights to property (including rights as a beneficiary of a contract providing life insurance protection) purchased with such amounts, and all income attributable to such amounts, property or rights to property shall remain (until paid or made available to the participant or the participant's beneficiary or beneficiaries under the plan) solely the property and rights of the employer, (without being restricted to the benefits under the plan) and shall be subject only to the claims of general creditors of the employer.

Chapter 415-552 WAC PARTICIPATION BY DEPARTMENT OFFICERS AND EMPLOYEES AND MEMBERS OF THE EMPLOYEE RETIREMENT BENEFITS BOARD

NEW SECTION

WAC 415-552-010 Participation by department officers and employees and members of the employee retirement benefits board. Department officers and employees and members of the employee retirement benefits board, who are otherwise eligible, may participate in the plan under the same terms and conditions as apply to other participants but such an officer, employee, or board member shall not participate in any department or board action uniquely affecting their own participation.

Chapter 415-556 WAC EMPLOYER PARTICIPATION

NEW SECTION

WAC 415-556-010 Employer contributions. The employer may, pursuant to a changed or new participation agreement filed by a participant as specified in WAC 415-512-050 or 415-512-070, add additional deferred compensation for services to be rendered by the employee to the employer during any calendar month, provided:

- (1) The employee has elected to have such additional compensation deferred, invested, and distributed, pursuant to this plan, prior to the calendar month in which the compensation is earned; and
- (2) Such additional deferred compensation, when added to all other deferred compensation under the plan, does not

exceed the maximum deferral permitted by chapter 415-512 WAC

Chapter 415-564 WAC DEPARTMENT POWERS

NEW SECTION

WAC 415-564-010 Plan prevails. In the event any form or other document used in administering this plan, including but not limited to enrollment forms and marketing materials, conflict with the terms of the plan, the terms of the plan shall prevail.

NEW SECTION

WAC 415-564-020 Decision binding. The department is authorized to determine any matters concerning the rights of any participant under this plan and such determination shall be binding on the participant and any beneficiary thereof.

NEW SECTION

WAC 415-564-030 Department to interpret. The department is authorized to construe this plan and resolve any ambiguity in the plan. The plan and any form or other document used in administering the plan shall be interpreted, and this plan shall be administered, so as to comply with Section 457 of the Internal Revenue Code and the regulations of the treasury department promulgated thereunder.

NEW SECTION

WAC 415-564-040 Tax status not guaranteed. The department does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of the participant's participation in this plan. The participant should consult with the participant's own representative regarding all questions of federal or state income, payroll, personal property or other tax consequences arising from participation in this plan.

NEW SECTION

WAC 415-564-050 Department may require court order. The department or the employer, if in doubt concerning the correctness of their action in making a payment of accumulated deferrals may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment or to allow the filing in any state court of competent jurisdiction of a civil action seeking a determination of the amounts to be paid and the persons to receive them. The department and the employer shall comply with the final orders of the court in any such suit and the participant, for the participant and the participant's beneficiary or beneficiaries, consents to be bound thereby. Whenever payment of accumulated deferrals is suspended pursuant to this section, the time for a participant or beneficiary making any election under WAC 415-512-090 shall not begin until amount(s) and person(s) entitled are determined either by a written agreement of all parties concerned of by a court judgment that has become final.

NEW SECTION

WAC 415-564-060 Delegation of authority. The department may delegate its functions to be performed under this plan to any designee with legal authority to perform such functions.

Chapter 415-568 WAC APPLICABLE LAW

NEW SECTION

WAC 415-568-010 Plan to conform to state law. This plan shall be construed under the laws of the state of Washington.

NEW SECTION

WAC 415-568-020 Plan to conform to federal law. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and Treasury Department Regulation 1.457-2(a), and shall be interpreted accordingly.

Chapter 415-610 WAC DEPENDENT CARE ASSISTANCE SALARY REDUCTION PLAN

NEW SECTION

WAC 415-610-010 Plan established. In accordance with the provisions of RCW 41.50.780(7) and 41.04.600 through 41.04.645, and consistent with sections 125 and 129 of the Internal Revenue Code, the state of Washington through the department of retirement systems, establishes a dependent care assistance salary reduction plan.

NEW SECTION

WAC 415-610-015 Separate plan. The provisions in chapters 415-610 through 415-695 WAC apply only to the dependent care assistance salary reduction plan and not to any other plan administered by the department. The provisions in chapters 415-501 through 415-568 WAC do not apply to the dependent care assistance salary reduction plan.

NEW SECTION

WAC 415-610-020 Interpretation. This plan is intended to qualify as a dependent care assistance salary reduction plan under sections 125 and 129 of the Internal Revenue Code, as amended from time to time, and is to be interpreted in a manner consistent with the requirements of those sections.

NEW SECTION

WAC 415-610-030 General description of plan. The dependent care assistance salary reduction plan subsidizes the cost of dependent care, enabling employees to be gainfully employed. The plan allows an eligible employee of the state of Washington to set aside a "before tax" portion of the employee's gross salary before federal income and Social Security taxes to be used to reimburse that employee's dependent care expenses.

The amount which may be reduced from salary and excluded from income is subject to annual fixed dollar and earned income limitations. The participant must incur and obtain reimbursement in an amount at least equal to the amount of salary reduction for the plan year or the unused portion of the amount excluded is forfeited.

Salary reduced under the plan continues to be included as regular compensation for the purpose of computing state benefits and is only excluded for purposes of computing federal income and Social Security taxes (OASI or FICA).

Chapter 415-620 WAC DEFINITIONS

NEW SECTION

WAC 415-620-010 Department. "Department" means the department of retirement systems.

NEW SECTION

WAC 415-620-015 Dependent care account. "Dependent care account" means a bookkeeping account containing the salary reduction amounts attributable to a participant, less reimbursements of the participant's dependent care expenses.

NEW SECTION

WAC 415-620-020 Dependent care expenses. "Dependent care expenses" means amounts paid for the care of a qualifying person in the participant's home (including amounts paid for related household services) or for care at a dependent care facility which meets all federal requirements, except that the following items shall not be considered dependent care expenses:

- (1) Amounts paid to a person with respect to whom the participant or participant's spouse is entitled to claim an exemption for Federal Income Tax purposes;
- (2) Amounts paid to a child of the participant who is eighteen years of age or younger;
- (3) Amounts paid by an employer of the spouse or by an educational institution where the spouse is an enrolled student.

NEW SECTION

WAC 415-620-025 Eligible employee. "Eligible employee" means any elected official, officer, or employee of the employer.

NEW SECTION

WAC 415-620-030 Employer. "Employer" means the state of Washington.

NEW SECTION

WAC 415-620-035 Internal Revenue Code. "Internal Revenue Code" means the Internal Revenue Code of 1986, Title 26 U.S.C. Reference to a specific provision of the code shall include such provision, any valid regulations promulgated thereunder, and any comparable provision of future legislation that amends, supplements, or supersedes such provision.

NEW SECTION

WAC 415-620-040 Participant. "Participant" means any eligible employee who elects, in lieu of cash compensation, to enter a salary reduction agreement with the department pursuant to this plan for a particular plan year and adheres to the requirements of the plan.

NEW SECTION

WAC 415-620-045 Plan. "Plan" means this dependent care assistance salary reduction plan.

NEW SECTION

WAC 415-620-050 Plan year. "Plan year" means January 1 through December 31.

NEW SECTION

WAC 415-620-055 Qualifying person(s). "Qualifying person(s)" means:

- (1) An individual with respect to whom the participant is entitled to a dependency exemption under Internal Revenue Code section 151(c) and who is:
 - (a) Under the age of thirteen; or
- (b) Physically or mentally incapable of self-care (regardless of age); or
- (2) The spouse of a participant, if such spouse is physically or mentally incapable of self-care.

Chapter 415-630 WAC PARTICIPATION

NEW SECTION

WAC 415-630-010 Participation in plan. An eligible employee may elect to become a participant by entering a salary reduction agreement during the open enrollment period or within sixty days of becoming an eligible employee, or at any time as a result of a qualifying change in family status set forth in WAC 415-630-030. The open enrollment period for each plan year will be the month of November. A participant may first incur reimbursable dependent care expenses on the first day of the month following completion of the salary reduction agreement. Salary reduction agreement forms are available through the department. The enrollment process shall be deemed complete on the date the department receives a completed salary reduction agreement form from the employee.

NEW SECTION

WAC 415-630-020 Salary reduction agreement. The salary reduction agreement is a contract whereby the employee elects irrevocably to forgo future wage payments from the employer in an amount equal to the maximum elected for the plan year. The reduction will be taken in equal amounts for each pay period during the plan year or, in the case of an employee who becomes eligible during the plan year, the remaining portion of the plan year. The agreement will require a participant to provide the Social Security number of the participant and the names and birth dates of dependents regarding whom reimbursement of

[27] Proposed

dependent care expenses will be sought, and medical, family, and other information deemed necessary by the department for the operation of the plan. Pursuant to federal income tax regulations, once a salary reduction agreement has been entered for a plan year it may not be revoked except in the event of a change in family status as defined in WAC 415-630-030. A participant who separates from service and returns to service with the employer during the same plan year may participate upon return only to the extent allowed by Treasury Department regulations promulgated under sections 125 and 129 of the Internal Revenue Code.

NEW SECTION

WAC 415-630-030 Changes in family status. A participant is permitted to revoke a salary reduction agreement after the period of coverage has commenced and to enter a new salary reduction agreement regarding the remainder of the plan year if both the revocation and new election are on account of and consistent with any of the following changes in family status:

- (1) Marriage;
- (2) Divorce or legal separation;
- (3) Death of a spouse or dependent;
- (4) Birth or adoption of a child or addition of a dependent to the eligible employee's household;
 - (5) Termination of employment of a spouse;
 - (6) Employment of an unemployed spouse; and
- (7) A change in the eligible employee's or eligible employee's spouse's working hours which significantly alters the need for dependent care; example: A shift from full time to part time, part time to full time, or a change to or from leave without pay status.
- (8) Such other events that the department determines will permit a change or revocation of an election during a plan year under regulations and rulings of the Internal Revenue Service.

An eligible employee may also become a participant in the plan on the basis of a change in family status.

Chapter 415-640 WAC BENEFITS

NEW SECTION

WAC 415-640-010 Plan benefits. Benefits under the plan include and are limited to the reimbursement of dependent care expenses incurred for the care of qualifying persons. Such expenses must be incurred during the plan year. They are deemed to be incurred at the time the services to which the expenses relate are rendered. Only expenses which meet the criteria specified under section 129 of the Internal Revenue Code are eligible for reimbursement. Reimbursement of such expenses is limited to the participant's dependent care account balance.

NEW SECTION

WAC 415-640-020 Maximum benefits. The portion of salary a participant may exclude from gross income for federal income tax purposes is subject to the following maximums set forth in subsections 129(a) and (b) of the Internal Revenue Code:

- (1) The amount excluded from the federal gross income of a participant for any taxable year may not exceed the earned income of the participant, if not married, or if married, the lesser of the "earned income" of the participant or the "earned income" of the participant's spouse. (If the spouse is a full-time student or is physically or mentally incapable of self-care, the spouse is deemed to have earned income of two hundred dollars per month if the participant has one dependent for whom care is provided and four hundred dollars per month if the participant has two or more dependents for whom care is provided.) "Earned income" for these purposes, is defined in section 32(c)(2) of the Internal Revenue Code as "(i) wages, salaries, tips and other employee compensation, plus (ii) the amount of the taxpayer's net earnings from self-employment for the taxable year "
- (2) In no event may the maximum amount excluded from the federal gross income of the participant for any taxable year exceed five thousand dollars (two thousand five hundred dollars in the case of a married participant filing separately).

NEW SECTION

WAC 415-640-030 Reduction of benefits. The department may reduce the salary reduction amount of participants to the extent necessary to assure the plan does not discriminate in favor of highly-compensated persons who are the subject of a particular nondiscrimination test being applied under section 125 or 129 of the Internal Revenue Code (or any other applicable provision of law). When such reductions are necessary they shall be made pro rata to the amounts elected by the participants who are members of the participant group which is the subject of the particular nondiscrimination requirement.

Chapter 415-650 WAC REIMBURSEMENT OF DEPENDENT CARE EXPENSES

NEW SECTION

WAC 415-650-010 Submittal of claims. Claims for dependent care expenses must be submitted on reimbursement claim forms and directed to the department. The reimbursement form shall be completed, signed, and accompanied by bills, invoices, receipts, copies of cancelled checks, or a statement signed by the provider of the services showing the amounts of dependent care expenses for which reimbursement is sought.

NEW SECTION

WAC 415-650-020 Payment of claims. The department will review and reimburse claims each week during the plan year to the extent funds are available in the participant's dependent care account. After all funds in a participant's account are expended, any claims remaining at the plan year end will be cancelled. In no event can these claims be resubmitted the next plan year, nor are any unpaid claims the employer's liability.

WAC 415-650-030 Report to participant. On or before January 31 following the end of the plan year, the department shall send each participant a written statement showing the reductions from salary and amounts reimbursed through the end of the plan year.

NEW SECTION

WAC 415-650-040 Deadline for submitting claims. Claims for expenses incurred during a given plan year must be submitted so that they are received by the department not later than March 31 following the end of the plan year.

NEW SECTION

WAC 415-650-050 Forfeiture of unexpended funds. Any funds remaining in a dependent care account after all timely submitted claims have been paid for the plan year will be forfeited. Such balance cannot be carried forward to a subsequent plan year and shall not be available to the participant in any form or manner, but shall remain the property of the state.

Chapter 415-660 WAC SOURCE OF REIMBURSEMENT

NEW SECTION

WAC 415-660-010 Salary reduction account. Reimbursement of eligible expenses under this plan shall be from the salary reduction account in the state treasury. A participant shall have no rights to any particular assets of the employer, or to any assets except as provided by the plan. A participant's right to reimbursement under the plan shall be limited to the amount of salary reduction of the participant under the plan as reflected in the participant's dependent care account.

NEW SECTION

WAC 415-660-020 Rights of participants. The establishment of any account hereunder or of any other administrative practice shall not vest any participant with title in the assets of the state or entitle such participant to benefits, except as expressly provided by the plan.

Chapter 415-670 WAC TERMINATION OF PARTICIPATION

NEW SECTION

WAC 415-670-010 Termination of participation. (1) A participant shall cease to be a participant upon the occurrence of any of the following:

- (a) The end of the plan year, unless the employee has reenrolled during an open enrollment period;
- (b) The date the participant ceases to be an eligible employee;
- (c) The date the participant refuses a request for updated information;
 - (d) The date the plan is terminated.

- (2) A participant who terminates participation shall be entitled to reimbursement only for dependent care expenses incurred within the current plan year, and only if the participant (or personal representative of such participant in the event of death) submits a claim for such reimbursement which is received by the department on or before March 31 following the close of the plan year. No reimbursement shall exceed the balance in the participant's dependent care account for the plan year in which the expenses were incurred.
- (3) For purposes of this section, the date a participant shall be deemed to have refused a request for updated information shall be thirty days after a letter requesting such information and notifying the participant of the consequences of failure to provide such information is mailed certified mail, return receipt requested, to such participant.

Chapter 415-690 WAC TERMINATION OR AMENDMENT OF PLAN

NEW SECTION

WAC 415-690-010 Termination or amendment of plan. The employer may terminate the salary reduction plan at the end of the plan year or upon notification of federal action affecting the status of the plan. Upon such termination, a participant's right to reimbursement of dependent care expenses for that plan year will continue to apply to all such expenses incurred prior to the date of termination. The department may amend the salary reduction plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participant's dependent care account.

Chapter 415-695 WAC MISCELLANEOUS

NEW SECTION

WAC 415-695-010 Communication to employees. Reasonable notification of the availability and terms of the plan shall be provided to eligible employees.

NEW SECTION

WAC 415-695-020 Nonassignability of rights. The right of any participant to receive any reimbursement under the plan shall not be alienable by the participant by assignment or any other method, and will not be subject to be taken by his/her creditors by any process whatsoever, and any attempt to cause such right to be so subjected will not be recognized, except to such extent as may be required by law.

NEW SECTION

WAC 415-695-030 No guarantee of tax consequences. Neither the employer nor the department makes any commitment or guarantee that any amount paid to or for the benefit of a participant will be excludable from the participant's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any participant. It shall be the obligation of each participant to determine whether and what amount,

if any, is excludable from the participant's gross income for federal and state income tax purposes, and to notify the department if the participant has reason to believe that any amount excluded is not eligible for exclusion.

NEW SECTION

WAC 415-695-040 Indemnification of employer by participants. If any participant receives one or more payments or reimbursements that are not for dependent care expenses, such participant shall indemnify and reimburse the employer for any liability it may incur for failure to withhold federal income tax or Social Security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional federal income tax that the participant would have owed if the payments or reimbursements had been made to the participants as regular cash compensation, plus the participant's share of any Social Security tax that would have been paid on such compensation, less any such additional income and Social Security tax actually paid by the participant.

Chapter 415-501 WAC PLAN ESTABLISHED

NEW SECTION

WAC 415-501-010 Plan established. In accordance with the provisions of RCW 41.50.030(2), 41.50.088(5), 41.50.770, and 41.50.780, and as provided in Section 457 of the Internal Revenue Code, the state of Washington hereby establishes the deferred compensation plan for employees of the state of Washington and approved political subdivisions of the state of Washington, hereinafter referred to as the "plan." Nothing contained in this plan shall be deemed to constitute an employment agreement between the participant and the employer and nothing contained herein shall be deemed to give a participant any right to be retained in the employ of the employer.

NEW SECTION

WAC 415-501-020 Separate plan. The provisions in chapters 415-501 through 415-568 WAC apply only to the deferred compensation plan and not to any other plan administered by the department.

Chapter 415-508 WAC ADMINISTRATION

NEW SECTION

WAC 415-508-010 Administered by department. This plan shall be administered by the department which shall represent the employer in all matters concerning the administration of this plan.

NEW SECTION

WAC 415-508-020 Department to adopt rules and regulations. The department shall have full power and authority to adopt rules and regulations for the administration of the plan, and to interpret, alter, amend, or revoke any rules and regulations so adopted.

NEW SECTION

WAC 415-508-030 Department and employee retirement benefits board actions. Every action taken by the department and employee retirement benefits board shall be presumed to be fair and reasonable exercise of the authority vested in or the duties imposed upon it. The department officers and employees and members of the employee retirement benefits board shall be deemed to have exercised reasonable care, diligence, and prudence, and to have acted impartially as to all persons interested, unless the contrary is proven by affirmative evidence.

NEW SECTION

WAC 415-508-040 Department to maintain records of accounts. To facilitate an orderly administration of the plan, the department shall maintain or cause to be maintained a deferred compensation ledger account with respect to each participant.

NEW SECTION

WAC 415-508-050 Deferred compensation accounts. All deferred compensation hereunder shall be paid into a special fund created in the treasury of the state of Washington called the "deferred compensation principal account." All costs of administration and staffing of the plan, expenses of the department, and such other amounts determined by the department and permitted by law, shall be paid as necessary out of the deferred compensation administrative account. Amounts in the deferred compensation principal account may be invested pursuant to RCW 41.50.770 as directed by the department. All accumulated deferrals payable to participants or their respective beneficiary or beneficiaries shall be paid from the payroll revolving fund unless otherwise paid.

Chapter 415-512 WAC PARTICIPATION IN THE PLAN

NEW SECTION

WAC 415-512-010 Enrollment. (1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the department or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The amount specified must equal at least thirty dollars per month and shall continue until changed or revoked pursuant to WAC 415-512-050 or 415-512-070 of this plan.

NEW SECTION

WAC 415-512-015 Plan to plan transfers. (1) Transfers to the plan. If a participant was formerly a participant in an eligible state deferred compensation plan (within the meaning of Section 457 of the code and the

regulations thereunder), and if such a plan permits the direct transfer of the participant's interest therein to the plan, then the plan shall accept assets representing the value of such interest; provided, however, the department may require in its sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under the plan except that:

- (a) Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.
- (b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount.
- (2) Transfers from the plan. The only rollovers or transfers allowable under Section 457 of the Internal Revenue Code are from one eligible Section 457 plan to another eligible Section 457 plan.

If a participant, prior to making a final election under WAC 415-512-090(2) regarding the method of payment, accepts employment with an employer who offers an eligible Section 457 plan, and the participant becomes a participant in that plan, then accumulated deferrals may, at the election of the participant and after written notice to the department, be transferred to the other plan, provided that plan provides for the acceptance of such transfers.

(3) Application for transfer. If the conditions in subsections (1) and (2) of this section are met and the participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the department.

NEW SECTION

WAC 415-512-020 Deferral limitation. (1) Except as provided in WAC 415-512-030, relating to catch-up, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of seven thousand five hundred dollars or thirty-three and one-third percent of the participant's includible compensation, each reduced:

- (a) By any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code; and
 - (b) By any amount:
- (i) Excluded from gross income under Section 402 (e)(3) or 402 (h)(1)(B) of the Internal Revenue Code (relating to a participant's elective deferrals to simplified employee pensions) for that taxable year;
- (ii) For which a deduction is allowable for that taxable year by reason of a contribution to an organization described in Section 501 (c)(18) of the Internal Revenue Code (relating to pension trusts created before June 25, 1959, forming part of a plan for payment of benefits under a pension plan funded only by contributions of employees); or
- (iii) Which is deferred by a participant under Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangement) during that taxable year; and
- (c) By any amount the participant contributes to any other Section 457 of the Internal Revenue Code plan

(relating to deferred compensation plan(s)) during the taxable year.

- (2) "Includible compensation" for purposes of this section means includible compensation as defined in Section 457 (e)(5) of the Internal Revenue Code and as further defined by Treasury Department Regulation 1.457-2 (e)(2) interpreting that section, and is determined without regard to community property laws. Includible compensation for a taxable year includes only compensation from the employer that is attributable to services performed for the employer and that is includible in the participant's gross income for the taxable year for federal income tax purposes. Accordingly, a participant's includible compensation for a taxable year does not include an amount payable by the employer that is excludable from the employee's gross income under:
 - (a) Section 457 of the Internal Revenue Code;
- (b) Section 403(b) of the Internal Revenue Code (relating to annuity contracts purchased by Section 501 (c)(3) of the Internal Revenue Code organizations or public schools);
- (c) Section 105(d) of the Internal Revenue Code (relating to wage continuation plans);
- (d) Section 911 of the Internal Revenue Code (relating to citizens or residents of the United States living abroad);
- (e) Section 402 (e)(3) or 402 (h)(1)(B) of the Internal Revenue Code (relating to simplified employee pensions);
- (f) Section 501 (c)(18) of the Internal Revenue Code (relating to certain pension trusts); or
- (g) Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangements).
- (3) In computing includible compensation, total gross compensation as shown on state earnings statements must be reduced by:
- (a) Section 414(h) of the Internal Revenue Code, before tax contributions to retirement plans (including those described in RCW 41.04.440, 41.04.445, and 41.04.450); and
- (b) Any Section 125 of the Internal Revenue Code contributions to cafeteria plans (including those which include such items as dependent care salary reduction plans) before excluding the items listed in subsection (2)(a) through (g) of this section.

NEW SECTION

WAC 415-512-030 Catch-up provision. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of:

- (1) Fifteen thousand dollars for the taxable year, reduced in the same manner as the seven thousand five hundred dollars limitation is reduced in WAC 415-512-020; or
 - (2) The sum of:
- (a) The limitations established for purposes of WAC 415-512-020 of the plan for the taxable year (determined without regard to this section), plus
- (b) So much of the limitation established under WAC 415-512-020 for taxable years before the taxable year as has not theretofore been used under WAC 415-512-020 or 415-512-030. A prior taxable year shall be taken into account only if:
 - (i) It begins after December 31, 1978;

- (ii) The participant was eligible to participate in the plan during all or any portion of the taxable year, and;
- (iii) Compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 415-512-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

"Normal retirement age," as used in chapters 415-501 through 415-568 WAC, means the range of ages:

Ending not later than age seventy and one-half; and

Beginning not earlier than the earliest age at which the participant has the right to retire under a state authorized pension for which the participant is eligible without consent of the state and under which the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in a state authorized pension plan.

This catch-up provision may not be used in the year in which the participant attains age seventy and one-half, and may not be used in any year thereafter.

NEW SECTION

WAC 415-512-040 Department may disallow deferral. The participant acknowledges the right of the department to disallow deferral of compensation under the plan in excess of the limitations in WAC 415-512-020 and 415-512-030. However, the department shall have no duty to assure that amounts deferred are in compliance with such limitations.

NEW SECTION

WAC 415-512-050 Modification of deferral or investment option(s). A participant may change his/her deferral or investment option(s) not more than four times in any calendar year. Changes in the amount of deferral must equal at least ten dollars or more per month. (Beneficiaries entitled to receive accumulated deferrals may also change investment options not more than four times per year.)

An increase (or an increase and a change in investment option(s) which are effective the same date) shall not be counted as a change. Only a decrease in the amount of deferral, a transfer, or a change in investment option(s) not accompanied by an increase, shall be counted as a change.

Any combination of a decrease, a transfer, or a change in investment option(s) effective the same date, shall be considered one change.

A change (whether counted as such or not) shall be effective for any calendar month only if the participant signs a new participation agreement and it is approved by the department or its designee before the beginning of that calendar month. All participation agreements indicating changes in investment option(s) must be filed with the department no later than fifteen days prior to the established pay date for which the change will occur. The department reserves the right to defer the effective date of any change.

During the payout process, the department may periodically liquidate mutual fund shares in amounts necessary to meet distribution requirements for a six-month period.

NEW SECTION

WAC 415-512-070 Suspension and reinstatement of deferrals. Suspension. A participant may at any time direct that deferrals under the participant's participation agreement cease by completing the proper form and filing it with the department no later than the last day of the payroll period prior to the payroll period during which the deferrals are to cease; however, accumulated deferrals shall only be paid as provided in WAC 415-512-080 through 415-512-110.

Reinstatement. A participant who has directed the cessation of deferrals may resume deferrals for any calendar month commencing no sooner than six months after such deferrals ceased by executing a new participation agreement to defer compensation. The six-month waiting period shall not apply to participants who are on leave without pay as discussed in WAC 415-528-010.

NEW SECTION

WAC 415-512-075 Investment options. Each participant shall designate on his/her participation agreement the investment option(s) in which he/she wishes to have funds invested. The investment option(s) shall be selected from those options made available for this purpose from time to time by the employee retirement benefits board, in its sole discretion.

The employee retirement benefits board may make available as options for investment:

- (1) A fixed rate investment or pool of investments including deposits with a credit union, savings and loan association, mutual savings bank and fixed annuities;
- (2) Specified mutual fund shares, shares of an investment company, or variable annuities; or
- (3) Fixed or variable life insurance, or other options permitted by law and selected by the employee retirement benefits board. In the event that a selected investment option experiences a loss, the participant's benefits payable hereunder shall likewise reflect a loss, rather than income, for the period.

Nothing in this section shall require the employer to invest any amount in the investments selected and whether or not the employer so invests, no participant shall have any right, title, or interest in the amounts deferred or assets so invested.

NEW SECTION

WAC 415-512-080 Designation of beneficiaries. Each participant shall have the right to designate a beneficiary or beneficiaries to receive accumulated deferrals in the event of the participant's death. If no such designation is in effect on a participant's death, the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may change his/her beneficiary designation at any time by filing a change of beneficiary form with the department. A participant may also change his/her beneficiary designation by completing the beneficiary designation portion of a participation agreement form.

The participant may name:

(1) A designated organization or person (including without limitation his/her unborn or later adopted children).

If unborn or later adopted children are to be included, the designation must so indicate. The date of birth must be furnished for any living person who is named and who is under the age of eighteen.

- (2) His or her estate.
- (3) A trust which is in existence, or which is to be established under the participant's last will. For an existing trust, the participant must provide the name of the trust and the date it was established.

The participant may name contingent beneficiaries in addition to primary beneficiaries.

NEW SECTION

WAC 415-512-085 Distribution to participant after separation from service. After separation from service, accumulated deferrals shall be paid to the participant in one or more installments as elected by the participant pursuant to WAC 415-512-090.

NEW SECTION

WAC 415-512-086 Distribution in the event of death of participant. Should the participant die at any time, whether before or after separation from service, accumulated deferrals shall be paid to the beneficiary or beneficiaries designated by the participant pursuant to WAC 415-512-080. The accumulated deferrals shall be paid out as provided in WAC 415-512-080 through 415-512-110. If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then a lump sum or series of payments shall be paid, in accordance with WAC 415-512-080 through 415-512-110, to the surviving spouse, or if none, a lump sum shall be paid to the estate of the participant.

NEW SECTION

WAC 415-512-087 Distribution in event of death of beneficiary. In the event a beneficiary survives the participant by thirty days and becomes entitled to receive accumulated deferrals, accumulated deferrals shall become payable to the beneficiary's estate on the twenty-fifth day of the second month following the beneficiary's death, unless benefits are being paid in the form of an annuity, in which case the disposition of the remaining amount shall be determined by the annuity contract. Such annuity contracts shall be issued pursuant to the rules set forth in WAC 415-512-110.

NEW SECTION

WAC 415-512-090 Elections regarding distribution. Each participant (or in the event of death, each beneficiary other than an organization, an estate, or a trust) shall elect when his/her payout will begin and the payout period.

(1) Election regarding time of payment. The election regarding the time when payment will begin shall be made when a participant separates from service (or dies having separated from service and having previously elected when payment will begin).

Once made, the election regarding when payout will begin is irrevocable as to the participant or beneficiary

making the election. The election regarding when payment will begin:

- (a) By a participant who separates from service other than by reason of death, must be made not later than sixty days after separation from service. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the department on forms provided for that purpose, and payment must begin within the time prescribed by WAC 415-512-110;
- (b) By a beneficiary, other than an organization, estate or trust, where the participant was not already receiving payments, must be made not later than sixty days after the participant's death. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the department on forms provided for that purpose, and payment must begin within the time prescribed by WAC 415-512-110.
- (2) Election regarding method of payment. The participant (or beneficiary) who makes an election regarding the date payment will begin, may also elect the period over which payments will be made. The payout period election may be made either at the time he/she elects a beginning date for payout or at any time not later than sixty days prior to the date payout is to begin. Once having made this election, the participant (or beneficiary, other than an organization, estate, or trust) may change the payout period election not later than sixty days prior to the date payout is to begin. Such a beneficiary may also make this election where the participant was already receiving payments but, as provided in WAC 415-512-110 (3)(a), must receive distribution at least as rapidly as it was being distributed to the participant. Such a beneficiary must make the payout period election not later than sixty days after the death of the participant and payout will be suspended following the participant's death until the beneficiary either makes a payout period election or begins receiving payment as provided in subsection (4) of this section. Provided, if the participant was receiving payout in the form of an annuity contract, then the successor's right shall be limited by the terms of that contract.
- (3) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing applicable payment request forms with the department.
- (4) Consequences in absence of a timely election regarding time of payment. Absent a timely election regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the accumulated deferrals as of the end of the election period are less than twenty-five thousand dollars or, if the accumulated deferrals are twenty-five thousand dollars or more, in equal monthly installments over a period of one hundred twenty months or such lesser period:
- (a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

[33] Proposed

- (b) As may be necessary under Section 457 (d)(2)(B) (i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.
- (5) Effects of certain employment changes. Transfers from the plan are allowed in the circumstances described in WAC 415-512-015(2).
- (6) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (4) of this section.
- (7) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 415-512-110(3).

WAC 415-512-110 Distribution of deferrals. (1) General rule. Assuming a timely election is allowed and has been made pursuant to WAC 415-512-090, payment will be made in at least annual, substantially nonincreasing amounts. Payments are also subject to the limitations in subsections (2) through (5) of this section.

- (2) Distribution to participant. A participant must either:
 - (a) Receive his/her entire interest prior to the latest of:
- (i) The April 1st immediately following the close of the calendar year in which the participant attains age seventy and one-half; or
- (ii) The April 1st immediately following the close of the calendar year in which the participant separates from service with the employer; or
- (b) Begin receiving his/her interest not later than the time specified in (a) of this subsection and receive it over a period not longer than either:
 - (i) The life of the participant;
- (ii) The life of the participant and a beneficiary designated by the participant;
 - (iii) The life expectancy of the participant; or
- (iv) The life expectancy of the participant and a designated beneficiary.

Payment must be sufficiently rapid to satisfy the requirements of Section 457 (d)(2)(B)(i)(I) and Section 401 (a)(9)(G) of the Internal Revenue Code. Provided, that until tables are issued by the Secretary of the Treasury, if provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution).

Once payments to a participant begin, the participant may accelerate the payment schedule only in the event of an unforeseeable emergency (and subject to the provisions of WAC 415-524-010 regarding such emergencies).

- (3) Distribution to beneficiaries.
- (a) When distribution begins prior to the participant's death, then payout must be made at least as rapidly as it was being made to the participant. When the beneficiary is an organization, estate or trust, then payment will be payable in

- a lump sum on the twenty-fifth day of the second month following the participant's death.
- (b) When distribution does not begin prior to the participant's death, and is to be made:
- (i) To an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death;
- (ii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, not to begin within one year of the participant's death, then payment must be made within five years of the participant's death;
- (iii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, beginning within one year of the participant's death, then payment must be made within fifteen years of the participant's death;
- (iv) To the participant's surviving spouse, whether as designated beneficiary, or by default, then payment must begin prior to the April 1st immediately following the later of the close of the plan year in which the participant would have attained age seventy and one-half or, if later, the year in which the participant separated from service, and payment may be made over the lifetime of the surviving spouse or over a period not longer than the life expectancy of the surviving spouse.
- (4) For purposes of this section, life expectancies will be computed by use of the expected return multiples in Treasury Department Regulation 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. Where payment is being made over the joint lives of the participant and the participant's surviving spouse, the life expectancy of the participant and the participant's surviving spouse may be recalculated annually.
- (5) Notwithstanding anything in this plan to the contrary, distributions from the plan will be made in compliance with the minimum distribution rules of Section 457 (d)(2) of the Internal Revenue Code, and in compliance with Treasury Department Regulations issued under Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code.

Chapter 415-560 WAC INVESTMENT RESPONSIBILITY

NEW SECTION

WAC 415-560-010 Investment responsibility. The employer and department may, but are not required to, invest funds held pursuant to participation agreements between participants and the employer in accordance with the requests made by each participant. The department shall retain the right to approve or disapprove such investment requests. Any action by the department in investing funds, or by the department or employee retirement benefits board approving of any such investment of funds, shall not be considered to be either an endorsement or guarantee of any investment, nor shall it be considered to attest to the financial soundness or the suitability of any investment for the purpose of meeting future obligations.

Chapter 415-680 WAC ADMINISTRATION

NEW SECTION

WAC 415-680-010 Administered by department. This plan shall be administered by the department.

NEW SECTION

WAC 415-680-020 Delegation of authority. The department may delegate functions to be performed under this plan to any designee with legal authority to perform such functions.

NEW SECTION

WAC 415-680-030 Proper proof. In any case in which the employer, or the department is required under the plan to take action upon the occurrence of any event, they will be under no obligation to take such action unless and until satisfactory evidence of such occurrence has been received by them.

NEW SECTION

WAC 415-680-040 Genuineness of documents. The department and the employer and their respective officers and employees, will be entitled to rely upon any notice, request, consent, invoice, draft, letter, telegram, or other paper or document believed by them or any of them to be genuine and to have been signed or sent by the participant or other person at the participant's request.

NEW SECTION

WAC 415-680-050 Reliance on information. In administering the plan, the department will be entitled to the extent permitted by law to rely conclusively on all tables, valuations, certificates, opinions, and reports which are furnished by accountants, counsel, consultants, or other experts employed or engaged by the department in good faith.

NEW SECTION

WAC 415-680-060 Condition of participation. Participants are required, as a condition of participation, to provide the department with medical, family, and other information deemed necessary by the department for the operation of the plan.

NEW SECTION

WAC 415-680-070 Decision binding. The program administrator is authorized to determine any matters concerning the rights of any participant under this plan and such determination shall be binding upon the participant and any beneficiary thereof. Any participant affected by such a determination may submit written or oral comments to the department regarding its determination, which comments the director or the director's designee shall consider.

WSR 96-13-101 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(General Provisions)
[Filed June 19, 1996, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-079.

Title of Rule: Drug-free workplace program, chapter 440-26 WAC.

Purpose: To establish rules to certify and decertify employers to the Department of Labor and Industries for the workers' compensation premium discount.

Statutory Authority for Adoption: 2SSB 5516, section 13.

Statute Being Implemented: Chapter 127, Laws of 1996.

Summary: Rules for the certification and administration of the workers' compensation premium discount for employers who establish and maintain a drug-free workplace that complies with chapter 127, Laws of 1996.

Reasons Supporting Proposal: This proposal is needed to ensure clear and uniform application of the program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Henry L. Govert, Lacey, Mailstop 45330, (360) 438-8092.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule specifies which employers are eligible for certification, defines required elements of a workplace program, and describes the process for employer certification and decertification. The rule is needed to standardize program elements of a drug-free workplace program due to the complexities of such programming, and its structure as a time-limited demonstration project. Anticipated effects include a reduction in industrial accidents and their costs; a reduction in other employers costs (e.g., absenteeism); and an increase in the number of addicted employees seeking treatment and recovery, with a concomitant increase in their productivity.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This program is entirely voluntary; no business is required to apply for certification nor invest in the elements of a comprehensive drug-free workplace program. Employers who do not expect a reduction in their costs will not apply, and employers who do not experience expected reductions can discontinue the program at any time they choose.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E, Olympia, WA 98504, on July 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by July 9, 1996, TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Sharon Staley, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by July 16, 1996.

Date of Intended Adoption: July 24, 1996.

June 19, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

Chapter 440-26 WAC DRUG-FREE WORKPLACE PROGRAMS

NEW SECTION

WAC 440-26-005 Purpose. Employer certification rules related to providing a drug-free work place program are hereby adopted under the authority and purposes of chapter 127, Laws of 1996.

NEW SECTION

- WAC 440-26-010 Definitions. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.
- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.
- (3) "Department" means the department of social and health services, division of alcohol and substance abuse.
- (4) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.
- (5) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.
- (6) "Drug-free workplace program" means a set of workplace-based policies and procedures designed to reduce workplace involvement with alcohol and other drugs, and increase safety, productivity, and worker health. For the purpose of these regulations, "drug-free workplace program" is synonymous with "substance abuse testing program" as used in chapter 127, Laws of 1996.
- (7) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.
- (8) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training. Any employee assistance program under this chapter must contain a two-year employee follow-up and monitoring component.
- (9) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department,

agency, or instrumentality of the state; any county; any city; any school district or educational service district; or any municipal corporation.

- (10) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.
- (11) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.
- (12) "L & I" means the department of labor and industries.
- (13) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and conditions of continued employment with which the employee must comply.
- (14) "Rehabilitation program" means a chemical dependency treatment program approved by the department that is capable of providing expert identification, assessment, and treatment of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain the capacity to provide a two-year continuing care component.
- (15) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites in a urine sample or of alcohol within a breath sample.
- (16) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States Department of Health and Human Services.
- (17) "Workers' compensation premium" means the medical aid fund premium and the accident fund premium under Title 51 RCW.

NEW SECTION

WAC 440-26-020 Eligible employers. (1) A private Washington state employer, who, prior to July 1, 1996, does not have in place a drug-free workplace program as described in subsection (2) of this section may be eligible for the worker compensation premium discount as described under chapter 127, Laws of 1996, provided the employer:

- (a) Participates in the state workers compensation insurance fund, as described under chapter 51.16 RCW;
- (b) Remains in good standing with L&I as of the certification date with respect to premium payment obligations;
- (c) Has medical insurance which includes chemical dependency treatment benefits available to full-time employees otherwise eligible for benefits, whether through an employer, union, or jointly-sponsored plan; and
- (d) Makes application for certification and agrees to provide a drug-free workplace program in accordance with these rules.

- (2) An employer shall not be eligible for the discount program if, prior to July 1, 1996, the employer already has a drug-free workplace program in place that includes all the following elements:
 - (a) A policy statement including:
- (i) Prohibitions concerning the possession, use, or being under any influence of drugs or alcohol during working hours: and
- (ii) Assurance that an employee will not be terminated solely for a first-time verified positive drug or alcohol test, but will be given the opportunity for job retention through a last chance agreement.
- (b) Drug testing in pre-employment and post-accident situations, and alcohol testing in post-accident situations; and
- (c) An employee assistance program from the DASA-approved list which provides the employee assistance program services required by WAC 440-26-220.

WAC 440-26-030 Certification of employer to L&I. The department shall notify the employer and the department of labor and industries of the employer's certification as a drug-free workplace when the department has:

- (1) Received and approved the employer's application for certification or renewal of certification; and
 - (2) Received the required certification fee.

NEW SECTION

WAC 440-26-100 Employer certification procedures.

- (1) An eligible employer shall:
- (a) Obtain from the department an application packet of information on how to become certified as a drug-free workplace; and
- (b) Ensure that the application materials demonstrate compliance with all the elements required in chapter 127, Laws of 1996.
 - (2) The applicant employer shall submit:
 - (a) A completed application;
 - (b) If applicable, a statement that:
- (i) The employer's drug-free workplace policy has been negotiated with employee unions; or
- (ii) The union has waived its right to bargain, as required by the National Labor Relations Board.
- (c) An initial certification fee in accordance with the fee schedule included in the application packet.

NEW SECTION

- WAC 440-26-110 Certification maintenance. The department shall renew certification as a drug-free workplace program annually. An employer's continued certification and renewal shall be contingent upon:
- (1) Submission of information requested by the department in an annual certification renewal process;
- (2) Correction of or department approval of a plan to correct deficiencies found during periodic on-site surveys and complaint investigations. During on-site surveys and complaint investigations, employer representatives shall allow or assist department representatives to:
 - (a) Examine any part of the program as needed;

- (b) Review and evaluate records, including employee personnel files, policies, procedures, fiscal records, data, and other documents as the department requires to determine compliance; and
- (c) Conduct individual interviews with employees and management.
- (3) Payment of annual certification renewal fees within thirty days of the date of billing.

NEW SECTION

- WAC 440-26-120 Program oversight. (1) The department shall provide ongoing program oversight and investigate apparent areas of employer noncompliance with the requirements of this chapter.
- (2) The department may initiate such investigation as necessary to determine whether certification should be maintained after:
 - (a) Initial review of the application;
 - (b) Complaints from employees; or
 - (c) Random site visits to participating employers.
- (3) When an employer's program is found out of compliance with regulations herein, the department shall offer:
- (a) Assistance to the employer in correcting any deficiency; and
 - (b) A plan of correction.
- (4) If the employer fails to correct the deficiency within a time period specified by the plan of correction, the department may initiate procedures to decertify the employer from the premium discount program.

NEW SECTION

- WAC 440-26-130 Denial of certification. The department may deny an employer's application for certification or renewal when any of the following conditions occurs and is not satisfactorily resolved:
- (1) The employer obtains or attempts to obtain or renew certification by fraudulent means or misrepresentation;
- (2) The employer fails to provide all of the information or signed consents required in the application process in accordance with the department's request;
 - (3) The employer fails to pay the required fee;
- (4) The employer's program is not in compliance with chapter 127, Laws of 1996.

NEW SECTION

- WAC 440-26-140 Decertification. The department shall decertify an employer from the premium discount program if the employer:
- (1) Ceases to implement a drug-free workplace program for which the employer has been certified;
- (2) Fails to correct deficiencies discovered and disclosed in writing to the employer by the department;
 - (3) Voluntarily cancels certification; or
 - (4) Fails to pay the required certification fee.

WAC 440-26-160 Hearings, appeals. In the event of an employer's decertification, the department shall:

- (1) Notify the employer and the department of labor & Industries of the decertification; and
- (2) Inform the employer of hearing and appeal rights under the

Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 440-26-200 Program requirements—Policy statement. To be certified for the worker compensation premium discount, an employer shall provide a drug-free workplace program that operates under written policy and procedures that:

(1) Notify employees that the use of or being under any influence of alcohol during working hours is prohibited;

- (2) Notify employees that the use, purchase, possession, or transfer of drugs or having illegal drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;
- (3) Identify the types of testing an employee or job applicant may be required to submit to and the criteria used to determine when such a test will be required;

(4) Identify the consequences of refusing to submit to a drug test required by the employer's policy;

- (5) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;
- (6) Assure employees of the possibility of job retention through a last chance agreement;
- (7) Describe the conditions of and process for implementing a last chance agreement;
- (8) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;
- (9) Describe how the employer will provide information to an employee or job applicant advising them of the existence of the drug-free workplace program;

(10) Describe employee confidentiality;

- (11) Describe how the employer will advise the employees of the employee assistance program required by this chapter;
- (12) Describe how the employer will provide the supervisor training and employee education required by this chapter;
- (13) Contain a statement informing employees of the provisions of the federal drug-free workplace act, if applicable to the employer; and
- (14) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.

NEW SECTION

WAC 440-26-205 Program requirements— Notifications. (1) An employer who, prior to July 1, 1996, has not required drug or

alcohol testing of employees shall give all employees at least sixty days notice before instituting drug and alcohol testing as part of the drug-free workplace program described in this chapter. The department shall not require employers with drug and alcohol testing policies in effect prior to July 1, 1996 to provide a sixty-day notice period.

- (2) An employer shall include notice of substance abuse testing to all job applicants.
 - (3) An employer shall:
- (a) Post notice of the employer's drug-free workplace policy, including its substance abuse testing provisions, in an appropriate and conspicuous location on the employer's premises; and
- (b) Make copies of the employer's policy available for inspection by employees or job applicants of the employer during regular business hours.
- (4) An employer shall make reasonable efforts to help non-English-speaking employees and job applicants understand provisions of the policy.

NEW SECTION

WAC 440-26-210 Program requirements—Substance abuse testing. (1) To be certified for the worker compensation premium discount, an employer shall provide a drugfree workplace program that includes substance abuse testing. In conducting substance abuse testing the program shall:

- (a) Require job applicants to submit to a drug test after extending a conditional offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant.
- (b) Investigate each workplace injury that results in a worker needing off-site medical attention and require an employee to submit to drug and alcohol tests if the employer reasonably believes the employee has caused or contributed to an injury which resulted in the need for off-site medical attention. An employer need not require that an employee submit to drug and alcohol tests if a supervisor, trained in accordance with WAC 440-26-230, reasonably believes that the injury was due to the inexperience of the employee or due to a defective or unsafe product or working condition, or other circumstances beyond the control of the employee. Under this chapter, a first-time verified positive test result may not be used as a sole basis to terminate an employee's employment. However, nothing in this section prohibits an employee from being terminated for reasons other than the positive test result.
- (c) Require employees referred to the employee assistance program as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee shall still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a verified positive

drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the employer shall ensure the frequency of the testing is at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

- (2) This section does not prohibit an employer from conducting other drug or alcohol testing, such as upon reasonable suspicion or a random basis, although neither reasonable suspicion nor random testing is required under this chapter.
- (3) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations, including cutoff levels, for alcohol and drug testing, and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in WAC 440-26-010(4).
- (4) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant, and shall furnish to the employee or job applicant, upon request, a copy of the test result.
- (5) An employer shall pay the cost of all drug or alcohol tests that the employer requires of employees and job applicants under this chapter.
- (6) An employee or job applicant shall pay the cost of additional tests not required by the employer.

NEW SECTION

- WAC 440-26-220 Program requirements—Employee assistance program. (1) To be certified for the worker compensation premium discount, an employer shall provide a drug-free workplace program that includes an employee assistance program approved by the department in accordance with section 7, chapter 127, Laws of 1996.
- (2) The employer's employee assistance program shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved personal problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.
- (3) The employer's employee assistance program shall have a primary focus on the rehabilitation of employees suffering from alcohol or drug addiction, and shall:
- (a) Provide a professional chemical dependency evaluation to every employee given the opportunity for job retention through a last chance agreement after being found in violation of the employer's drug-free workplace policy;
- (b) Refer the employee for appropriate treatment according to an individualized treatment plan as indicated by the evaluation and required under section 8 of chapter 127, Laws of 1996. Only treatment programs approved by the department shall provide treatment under this chapter;
- (c) Monitor the employee's progress for a minimum of two years both while in treatment and during the period of

- the last chance agreement, modifying the continuing care provisions as clinically indicated; and
- (d) Notify the employer when an employee is not substantially compliant with the requirements of the last chance agreement, including ongoing treatment and continuing care recommendations.
- (4) The employer's employee assistance program, in accordance with subsection (3) of this section, shall normally provide services required by this chapter in a face-to-face manner by staff who are:
- (a) Certified as chemical dependency counselors by the National Association of Alcohol and Drug Abuse Counselors (NAADAC), the International Certification Reciprocity Consortium/Alcohol and Drug Abuse (ICRC), the Chemical Dependency Counselor Certification Board of Washington state, or the Northwest Indian Alcohol/Drug Specialist Certification Board; or
- (b) Qualified as chemical dependency counselors as defined in chapter 440-22 WAC, Certification Requirements for Chemical Dependency Treatment Service Providers; or
- (c) Qualified to perform Substance Abuse Professional (SAP) duties as defined in U.S. department of transportation regulations.
- (5) To encourage employee self-referral to the employee assistance program outside of drug-free workplace policy violations, the employer shall:
- (a) Notify employees of the benefits and services of the employee assistance program;
- (b) Publish notice of the employee assistance program in conspicuous places and explore effective means of publicizing the services; and
- (c) Provide employees with notice of the policies and procedures regarding access to and use of the employee assistance program.

NEW SECTION

- WAC 440-26-230 Supervisor training. An employer shall provide all supervisory personnel with a minimum of two hours of supervisor training that includes but is not limited to, the following information:
- (1) The relationship of job performance deficiencies to unresolved personal problems;
- (2) How to recognize signs of employee substance abuse;
- (3) How to document and corroborate signs of employee substance abuse;
- (4) How to refer employees to the employee assistance program;
 - (5) Circumstances and procedures for post-injury testing;
- (6) Supervisor responsibilities in a last chance agreement; and
 - (7) Employee confidentiality.

NEW SECTION

- WAC 440-26-240 Employee education. (1) An employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically.
- (2) The education program shall be a minimum of one hour and include, but not be limited to, the following information:

- (a) The explanation of the disease model of addiction for alcohol and drugs;
- (b) The effects and dangers of the commonly abused substances in the workplace;
- (c) The employer's policies and procedures regarding substance abuse in the workplace;
- (d) How to access the employer's employee assistance program; and
- (e) How employees who wish to obtain substance abuse treatment can do so.
- (3) An employer with employees who have difficulty communicating in English shall make reasonable efforts to help the employees understand the substance of the education program.

WAC 440-26-250 Confidentiality. In implementing a drug-free workplace program under this chapter, an employer shall observe all relevant federal and state laws and regulations concerning the confidentiality of information, in compliance with section 12, chapter 127, Laws of 1996.

WSR 96-13-103 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 95-17—Filed June 19, 1996, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-22-068.

Title of Rule: Chapter 173-26 WAC, Parts I and II, State master program approval/amendment procedures; chapter 173-27 WAC, Parts I and II, Shoreline management permit and enforcement procedures.

Purpose: To implement the Shoreline Management Act and provide for integration with other local government land use regulations; to establish minimum procedural requirements for shoreline master program approvals, shoreline permits and enforcement; and to update the departments record-keeping system.

Statutory Authority for Adoption: RCW 90.58.140(3) and [90.58].200.

Statute Being Implemented: Chapters 90.58, 36.70A, 43.21C RCW.

Summary: These two new chapters of rule consolidate, update and replace three existing chapters of rule addressing Shoreline Management Act administration and enforcement.

Reasons Supporting Proposal: Procedural efficiency; better state and local government coordination in shoreline planning and permitting; enhanced public involvement opportunities.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund and Tom Mark, Washington State Department of Ecology, 300 Desmond Drive, (360) 407-6522/407-7285; Implementation and Enforcement: Department of Ecology, Regional Offices/Local Government.

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: To consolidate, refine and update existing shoreline management planning, permitting and enforcement procedures in order to implement the objectives of regulatory reform and shorelands and growth management integration.

Proposal Changes the Following Existing Rules: The proposal replaces existing chapters 173-14, 173-17, and 173-19 WAC.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Economic Compliance Document Chapter 173-26 WAC

State Master Program Approval/Amendment Procedures
Shoreline Management

Chapter 173-26 WAC, State master program approval/amendment procedures, which allow local governments to integrate their shoreline master programs with other land use programs are being adopted by ecology.

The proposed rule has been reviewed and it is purely procedural. No costs are directly imposed on small or large businesses. Most of the language is taken from other existing rules. No small business economic impact statement is required under chapter 19.85 RCW. This rule is part of a set of rules that will allow local government to integrate and streamline shoreline management planning and implementation. In the long run the existence of this rule should reduce business costs.

The rule adopts without any material change listings from an existing rule, chapter 173-19 WAC. The rule adopts without material change requirements from Washington statutes, and addresses shoreline master programs. The rule is therefore exempt from a determination that benefits exceed costs under RCW 34.05.328 (1)(c) due to the exemption provided under RCW 34.05.328 (5)(b)(iii).

In the short run there may be some costs for local governments as they use the new rule. Ecology assumes that costs related to this rule will be minimal since the procedures covered are similar. There are a few added reporting requirements, such as a notice to the Department of Community, Trade and Economic Development being required for local governments using growth management plans. However these requirements generally exist in other regulations or law. Some procedures have been reduced. The process of integrating shoreline management and land use planning may have costs. In some cases integration of procedures is already well under way.

Ecology requests that local governments contact Cathy Carruthers about any expected costs due to this rule at Economic and Regulatory Research, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 or by phone at (360) 407-6938 or by EMAIL at carr461@ecy.wa.gov.

Economic Compliance Document Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures

Washington State Department of Ecology is adopting chapter 173-27 WAC, Shoreline management permit and enforcement procedures in order to integrate changes in the law from the 1994, 1995, and 1996 legislative sessions.

- Part I of the new rule comes from the old chapter 173-14 WAC which is being repealed.
- Part II of the new rule comes from the old chapter 173-17 WAC which is being repealed.

Description of Rule Changes and New Impacts: The purpose of the integration is to allow streamlining of the shoreline permit process at the state and local level. Ecology expects that the average permit application will be acted on approximately two weeks earlier due to streamlining. It is possible that this increase in speed will be greater if local governments are able to use the rule revisions to streamline their processes too.

Most changes from the old language come either directly from the new law, from court interpretations or from multiple Shorelines Hearings Board decisions and will involve no changes in implementation. Some parts and time limits that applied directly to local government have been changed to allow greater flexibility and to make permitting easier under the new integrated shoreline management and land use planning. The definitions of shorelands and wetlands are now consistent throughout the rule with no substantive changes.

Several changes were necessary in order to allow the shoreline master programs to meet existing legal requirements. None of these should cause any change for businesses, individuals or the environment.

The following changes are the only substantive changes requiring explanation or evaluation.

WAC 173-27-040 (2)(c), beach nourishment and bioengineered erosion control projects that are approved by the Department of Fish and Wildlife and are consistent with other requirements are exempt from substantial development permits.

This exemption will impose no costs and will not degrade the environment or habitat. It may reduce costs but will not have environmental impact.

WAC 173-27-180 (i)(iv), applications for substantial development, conditional use, or variance permits must show where the wetland areas are if the wetland will be altered or used as part of the development.

Wetland areas have been mapped for most jurisdictions. Developments that require an Army Corps of Engineers 404 permit must meet this requirement as part of that permit process. The cost of those developments should not be changed.

Developments that either dredge or fill wetlands already have to show where the affected wetland is on the existing applications. These developments should have no new mapping costs.

For homes built on or near wetlands, the approximate mapping of the wetland is part of existing septic system applications. These developments should have no new mapping costs.

Only developments that do not fit any of the categories listed above will have new requirements. The cost of the map will be minimal for individuals who file their own papers and do the drawings themselves. For larger developments with extensive wetland involvement the owner/developer/contractor will have to be familiar with the nature and shape of the wetland in any case so as to make appropriate arrangements regarding soil compaction, foundation design, fill and/or dredging. Reporting this information on the application is a minimal added effort. The costs are very low for individuals and higher for companies with extensive developments. The costs are therefore not disproportionately higher for small companies.

WAC 173-27-180 (i)(v), applications for substantial development, conditional use, or variance permits must indicate the character of the vegetation.

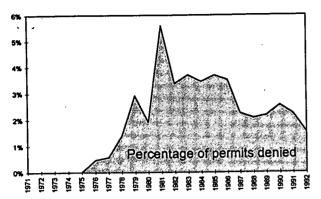
Ecology sometimes receives applications with no information on vegetation. In order to make a determination on a permit ecology must have some indication of the vegetation on the site. Vegetation has generally been reported under the existing general description or as part of SEPA evaluations where they are required for the application. Many jurisdictions already require that vegetation be included in applications for variances where critical areas are affected. Most shorelands are mapped as critical areas.

For the situations where no vegetation would have been included it should only require a few minutes to write the character of the vegetation on the form. If the development is extensive, covering a large area and the vegetation changes in character and the developer does not know the vegetation, then a biologist or consultant can write the description. The costs would therefore be minimal for the average individual's applications and would be higher for large developments.

Background Information: Ecology processes approximately one thousand three hundred permit applications per year. Approximately two hundred of these are conditional use and one hundred thirty are variance applications. The remainder are substantial development applications. On approximately one hundred to one hundred fifty of the permits ecology has to request additional information. Approximately 20% of the conditional use and variance permits are modified by ecology. The substantial development applications are approved unless ecology or other interested parties appeal them. Recently, ecology has appealed six to twelve per year (1 to 2%).

Wetland and vegetation information is required by the local jurisdictions that receive the initial application for the circumstances listed in the section above. Where wetland delineation or information on vegetation was not listed and was required, ecology has either requested the information or obtained it through other means. This has often involved delays for the applicant. Since only 2% of the applications reviewed by the state are denied (in recent years), delays involve a waiting cost to the 98% of successful applicants. They are temporarily prevented from getting started on a project that is likely to be approved.

Counties that cover 40% of the permits already require the wetland information and counties that cover 35% of the permits already require a description of vegetation. All counties require the wetland delineation if the permit area is in a critical area and a description of vegetation is needed if a State Environmental Protection Act checklist is used. Thus 80% of the applications already have sufficient documentation for the state to act quickly.



Small Business Economic Impact Statement: No small business economic impact statement is required under chapter 19.85 RCW. The amendments could constitute mitigation of existing costs because of the streamlining they allow. This rule is part of a set of two rules that will allow both state and local government to integrate and streamline development applications. The rules, taken together, should reduce the waiting time for most shoreline permit applications.

Private Costs and Gains¹: This amendment creates a shift in costs and gains for applicants. The question is which applicants will bear net added costs and which applicants will have their net costs reduced.

The 80% of applicants that already provide sufficient information will have no added costs but will receive their permit approvals earlier. These applicants should receive a simple benefit with no added costs.

There may be added costs for applicants who have developments that are small enough that neither a SEPA² checklist nor 404 permits are required if they are one of the 20% of applicants who provide insufficient information and:

1. do not know what kind of vegetation is on the lot

- 2. plan to use or alter the wetland but are not sure where it is
 - 3. do not have any losses associated with permit delays

For applicants who have time constraints (3) but who meet criteria 1 or 2, it is only for those applicants that have their permit denied that the costs of the additional analysis will create a loss that is not offset by the economic gain due to increased speed of application approval. For the twenty denials issued in 1992 by local government (fourteen denials) and by the state (six denials), that cost would have been a maximum of \$182,000. The cost is almost certainly lower than this for the following reasons. Even if all of the analysis is contracted out, most contracted analysis will cost less than the maximum value of \$7,000.

If a developer chooses to use a consultant to do the delineation and vegetation description, there will be contracting costs. Contracting costs for both delineation and vegetative characteristics have a broad range depending on both the size of the lot, the difficulty of moving over the site, and the complexity of the vegetation. Cost range from \$200 for a simple site with less than one acre up to \$7000 for a large site that is difficult to traverse and has complex changes in vegetation.³

The costs of this rule revision occur only rarely. Specific circumstances must exist for the requirements to be new (see section above) and over half of the contractors contacted expect a net gain from the revisions. The existence of this rule should reduce costs for most of the 98% of the successful general development permit applications. It has the potential to create a net gain for all but the 2% of the businesses whose general development applications are denied.

Which businesses are most affected? Applicants who want their shoreline permits more quickly will generally benefit from this rule. Streamlining should be valuable to companies involved in permit applications such as:

SIC Code 15, Building Construction, General Contractors and Operative Builders

SIC Code 16, Heavy Construction other than Building Construction — Contractors

Employment Security Data on Employment in Building Construction and Heavy Construction SIC Codes by 4 digit breakdown.

	Less than 50			50 employees	5		All	
	employees			or more				
SIC Code	# of	# of	average	# of	# of	average	# of	# of
	firms	employees		firms	employees		firms	employees
1521	5132	13399	3	15	1434	96	5147	14833
1522	204	1030	5	4	346	87	208	1376
1531	146	481	3	4	433	108	150	914
1540	9	0	0	0	0		9	0
1541	149	1091	7	11	1278	116	160	2369
1542	1006	5847	6	36	5758	160	1042	11605
1611	240	1623	7	16	1791	112	256	3414
1622	29	334	12	8	945	118	37	1279
1623	328	2575	8	15	1599	107	343	4174
1629	368	2220	6	19	3117	164	387	5337

The average employment over all is only six and the average employment for firms that qualify under the legal definition of small business is four. The employment security data only shows information on companies with employees. It will not show the contractors or builders that have no employees and work exclusively with subcontractors. It is likely that the average employment for the firms is lower than it appears.

Construction is generally seasonal work. The work drives the number of local permit applications and thus applications tends to be seasonal. Since the number of applications is higher in the spring there is sometimes a bottleneck effect. The applications may hold up construction longer during the high volume portion of the year. These delays can be magnified if the permit is approved when all equipment and manpower is fully employed and the subcontractors are less available and costs are higher. One respondent indicated that saving two weeks just before the rainy season in the fall would be particularly significant since the rainy season stops some kinds of work. Thus the two weeks saved would reduce much longer delays. Ecology is uncertain about the size of this effect.

Net Gains from the Rule: If streamlining through this rule and the other two rules mentioned above can save even two weeks on the time required to obtain a permit, the cost savings to society should be significant. A permit with insufficient information, which requires greater than usual staff time, holds up other subsequently submitted permit applications.

The full value of gains from the rule will be shared across the economy. For the businesses affected the question is whether there will be net gains to them.

Over 55% of the contractors contacted felt a net gain would accrue to them and/or their customers. All but one of the commercial contractors expect a gain. Contractors that deal with time constraints for the customer or who own the land they develop estimated that the value for some projects could be in the thousands. These respondents gave a value ranging from \$1000 to \$5000 for the two weeks saved. Another indicated he could build "half of a home" in the two weeks and "be on another job early." Two others were uncertain of the net gain but said it was substantial. One commercial building contractor indicated all costs and gains would be passed on to the customer and that the change was probably a gain with the faster permit approval but it is close in terms of gains and losses.

27% of the contractors expect a net cost from the rule. The remaining contractors do not expect either a net gain or a net cost. Several contractors indicated they would have to pay more⁵ and would receive none of the gain which would go the owner of the land.⁶ One of these contractors said he would bill the customer for the extra cost if there was any. One commercial building contractor indicated that there are so many permits that having one of them come in faster will not create a net gain for him because he will be waiting for other permits. Therefore there could be a loss due to the cost of collecting and providing added permit information.⁷

Gains to society as a whole are greater than the gains to the businesses themselves. The full value of gains and losses will generally, through market action, be shared by the land owner (through the value of the land), labor (through wages), contractors (through profit), suppliers (through earlier sales) and lenders (through interest). The overall net gain will depend on the size of the project and how many resources are idled through waiting. For example, on a loan of \$100,000 or land worth \$100,000 (for which the transaction is delayed) the interest for two weeks at 8% is \$307. For an individual the loss of ten working days pay at \$25 per hour is \$2000.8 Losses due to other unemployed resources cannot be counted due to uncertainty. This level of savings can accrue to a single two to ten acre residential lot. The range of cost estimates for a lot this size was \$500 to \$1,500. Even if the applicant chooses a consultant at the high cost end, the gain from the time savings is greater than the cost.

For small lots of less than one acre, the loan savings would be lower but the labor gains would not drop much. The cost of the consultant's analysis ranges from a low of \$300 to a high of \$800. Thus for smaller lots the ratio of the gain to the cost is even greater. For larger lots and projects, both more money and more resources will be tied up in the project. The savings will be larger but the ratio of savings to costs will not be as high. For most projects the savings is more than enough to cover the cost of the new requirements listed above. For all projects taken together the savings almost certainly overwhelm the costs.

Shifting Costs and Gains: Some companies can reduce their costs by postponing other subcontracts or waiting to hire workers. This means that some subcontractors and workers in these sectors will gain even though they do not submit applications. Companies that can shift the burden of delays through postponing subcontracts and hiring may not experience the expected gains. Many of the companies contacted indicated that with preplanning there would be no savings for them. This was more likely to be true for companies with many projects. It is the owner/applicant with an emergency that will be unable to shift any of the costs.

Some companies indicated there would be no change in costs but that the customers would be happier. Some said it didn't matter because there would be no cost or gain to them as all of the cost and gain would accrue to the customer.

The land owner, who is operating under an option to buy, loses interest on the funds that will be received when the land is sold. For the developer who owns land there is a loss associated with interest payments on the land during the time it is idle and postpones the gain from the economic value created by development. For staff, who are waiting for the project to begin, either forgone earnings or payments by the firm during down time can also be large. There are other resources left idle during any period of delay.

For the determination that benefits outweigh costs the transfer of funds between parties does not count because the gain to on individual offsets the loss to the other. For determining whether a small business economic impact statement is warranted the losses that accrue to businesses count even if a gain accrues to another individual.

Disproportional Impacts for Larger Companies: Most of the companies in the affected sectors meet the legal definition of a small company. For this reason the possibility of disproportionate impacts was also evaluated from the standpoint of large versus small projects in the section on net gains from the rule. Gains for projects appear to accrue disproportionately to small projects.

Very small companies (in terms of both personnel and venture capital) tend to dominate the small developments where appeals are less likely. For some, waiting for approvals is regarded as a serious problem. These companies carry fewer active projects and delayed approval is more likely to create idle resources. The gains from speedier approvals are more likely to create net gains for these builders. It is therefore likely that a net increase in costs, when it occurs, is disproportionately higher for large companies than for small companies.

Some developers, who experience a denial and therefore a loss, will have offsetting gains through time saved on other permits. Net costs are more likely for the occasional denial of a permit application directly submitted by a business or individual, not involved in the sectors listed above. There is no way to be certain when, where, or if this will actually occur.

Public Sector Costs: For the public the cost savings from streamlining should be significant by comparison to the cost. Individuals have minimal time requirements for mapping wetlands and vegetation, while streamlining should save them time.

In the short run there may be some costs for local governments as they use the new rule. Ecology assumes that costs related to new requirements in this rule will be minimal⁹ since the other procedures covered are similar or identical. In addition the use of a single form should simplify applications. Several procedures have been reduced or are more flexible. Reporting should be easier. Integration of growth management and shoreline management may be expensive for many jurisdictions. However, this rule is not the rule that creates those costs. Chapter 173-26 WAC, Part III, Shoreline master program guidelines, will be evaluated and costs will be presented and weighed at the time of its adoption.

Alternatives to the Rule: Dropping any one of the changes forms an alternative regulation. Dropping the requirement for a delineation of the wetland or a general description of the vegetation will each reduce both the benefits and the costs of the regulation. Most of the gains from either of the clauses will be lost if either one is dropped. For example a site visit might be required if either the wetland delineation or the vegetation description were missing. While the site visit is in progress other applications must wait for processing.

Dropping the exemption for beach nourishment and bioengineered erosion control may increase costs but would have no impact on environmental benefits.

Determination that the Probable Benefits Outweigh the Costs: Ecology has determined that the probable benefits of this rule outweigh the probable costs. For most individuals and developers the rule will impose no new costs. No environmental degradation is expected due to this rule.

The increases in costs due to the requirements above will be more than offset if local governments use the set of rules to streamline their permit processes. The gains estimated below are purely based on ecology's ability to expedite permit approval using this and one other rule.

Some permit applications now come to ecology with insufficient information to make a decision. If ecology must collect the information or request added information from the

applicant, the time lost imposes costs on the applicant, other subsequent applications that are delayed and on those who build for the applicant.

The rule adopts without any material change requirements from existing rules and Washington statutes. This adoption is critical for the integration of shoreline management and growth management, and for shoreline master programs. The rule in conjunction with two other rule parts chapter 173-26 WAC, Part I and II, State master program approval/amendment procedures and chapter 173-26 WAC, Part III, Shoreline master program guidelines, will allow the integration of numerous permit processes by local governments.

Determination That the Rule is the Least Burdensome for Those who are Required to Comply: Each of the three new requirements has been considered individually and together. The applicant is the entity that is required to comply with the rule. This rule amendment attempts to make the permit system faster for all applicants. It is adopted in the hope that it will reduce the overall cost burden of oversight of the shorelines and the individual costs of a majority of the applicants. On average ecology believes that the savings from a two week reduction in the return of permits due to streamlining outweigh the cost to the applicant of obtaining the added information.

On an individual basis this rule does not always create a net saving for the applicant themselves. The added information required for the 20% of applications that were insufficient had imposed a cost on all applicants. Some of the gains and costs will be shared by non-applicants. Thus 27% of the contractors contacted expect a net increase in their personal costs with the gains accruing to others (land owners, labor, vendors of building materials). Ecology is uncertain of the size of this impact.

Request for Further Information: Ecology requests that local governments, individuals and companies contact Cathy Carruthers about any expected costs due to this rule. She can be reached at Economic and Regulatory Research, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 or by phone at (360) 407-6938 or by EMAIL at carr461@ecy.wa.gov.

- All of the gains reported here are based on the assumption that ecology will be able to reduce the "turn around" time it takes to process a permit by two weeks. If this rule helps local governments to streamline their processes the savings will be substantially larger than the savings listed here. The savings due to ecology action are more than sufficient to make the rule amendments worthwhile. The gains from local government are more uncertain but probably larger than those estimated here.
- State Environmental Policy Act.
- Telephone survey of consultants in May 1996. Telephone survey of building contractors in June 1996.
- The number of permit applications is 50% higher from March through October than it is November through February.
- One estimated \$100 to \$500 more and the other estimated "in the thousands."
 - One contractor indicated that, since shoreline permits take three years, two weeks would make no difference to him. The permit to which the respondent was referring was one which ecology had approved but which was appealed by another citizen to the Shorelines Hearings Board. The average time for a decision on a permit is one hundred forty-four days. This average includes applications submitted between July 1, 1992, and June 30, 1995, and includes the permits that have been appealed, which take substantially longer than the usual application.

Proposed [44]

- If local governments use the rule changes to streamline their processes it will help this kind of respondent. This respondent's project sizes were large enough that it is likely that the requirements would already have applied to most of his projects.
- The hourly costs quoted were from \$25 to \$50. Weekly costs quoted were from \$500 to \$2,500.
- Most county and city respondents to a telephone survey were unable to estimate the cost to local government of this small change. Those few (3), who were willing to guess, indicated a 5 or 10% change in effort. Some of these jurisdictions have a fee of around \$200 covering the cost of current applications. If one could extrapolate this cost of \$10 to \$20 to all permit applications, the local government costs would be around \$7,800 to \$15,600 for the 60% of the jurisdictions that do not already require the information.

A copy of the statement may be obtained by writing to Cathy Carruthers, Economic and Regulatory Research, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6938, or FAX (360) 407-6989.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: On July 30, 1996, at 7:00 p.m., at the Port of Tacoma, Meeting Room 104, 3600 Port of Tacoma Road, Tacoma, WA; and on July 31, 1996, at 7:00 p.m., at the Spokane County Commissioners Hearing Room, Lower Level, Public Works Building, 1026 West Broadway, Spokane, WA.

Assistance for Persons with Disabilities: Contact Sandra Ives by July 23, 1996, TDD (360) 407-6006, or (360) 407-6828.

Submit Written Comments to: Patricia Zabala, Shorelands and Water Resources Program, Washington Department of Ecology, P.O. Box 47690, Olympia, WA 98504-7690, FAX (360) 407-6535, by August 9, 1996.

Date of Intended Adoption: September 3, 1996.

June 17, 1996 Mary Riveland Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

de is repeared.	
WAC 173-14-010	Authority.
WAC 173-14-020	Purpose.
WAC 173-14-030	Definitions.
WAC 173-14-040	Developments exempt from substantial development permit requirement.
WAC 173-14-050	Application of the permit system to substantial development undertaken prior to the act.
WAC 173-14-055	Nonconforming development standards.
WAC 173-14-060	Time requirements of permit.
WAC 173-14-062	Applicability of permit system to federal agencies.
WAC 173-14-064	Revisions to permits.
WAC 173-14-070	Notice required.
WAC 173-14-080	Public hearings.
WAC 173-14-090	Filing with department and attorney general.
WAC 173-14-100	Review criteria for substantial development permits.

WAC 173-14-110	Application for substantial development, conditional use, or variance permit.
WAC 173-14-115	Letter of exemption.
WAC 173-14-120	Permits for substantial develop- ment, conditional use, or vari- ance.
WAC 173-14-130	Department review of conditional use and variance permits.
WAC 173-14-140	Review criteria for conditional use permits.
WAC 173-14-150	Review criteria for variance permits.
WAC 173-14-155	Minimum standards for conditional use and variance permits.
WAC 173-14-170	Requests for review.
WAC 173-14-174	Certification of requests for review.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-17-010 WAC 173-17-020 WAC 173-17-030 WAC 173-17-040 WAC 173-17-050 WAC 173-17-060 WAC 173-17-070 WAC 173-17-080	Authority and purpose. Definitions. Policy. Order to cease and desist. Civil penalty. Appeal of civil penalty. Criminal penalty. Oil or natural gas exploration—
WAC 173-17-080	Oil or natural gas exploration—
	Penalty.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

sode is repeated.	
WAC 173-19-010	Purpose.
WAC 173-19-020	Definitions.
WAC 173-19-030	Master programs organized by county.
WAC 173-19-040	Date of adoption or approval.
WAC 173-19-044	Local government change of jurisdiction—Effect of annexation.
WAC 173-19-050	Incorporation by reference.
WAC 173-19-060	Amendment of master programs.
WAC 173-19-061	Approval of master programs and amendments by local government.
WAC 173-19-062	Submission of master programs and amendments by local government.
WAC 173-19-064	Review and adoption of master programs and amendments by the department.
WAC 173-19-070	Appeal procedures for master programs.
WAC 173-19-080	Applicability of master program to federal agencies.

K 90-13-103	Washington Su	ategation, and a second	
WAC 173-19-090	Adams County.	WAC 173-19-250	King County.
WAC 173-19-100	Asotin County.	WAC 173-19-2501	Auburn, city of.
WAC 173-19-1001	Asotin, city of.	WAC 173-19-2502	Beaux Arts Village, town of
WAC 173-19-1002	Clarkston, city of.	WAC 173-19-2503	Bellevue, city of.
WAC 173-19-110	Benton County.	WAC 173-19-2504	Black Diamond, city of.
WAC 173-19-1101	Benton City, city of.	WAC 173-19-2505	Bothell, city of.
WAC 173-19-1102	Kennewick, city of.	WAC 173-19-2506	Carnation, town of.
WAC 173-19-1103	Prosser, city of.	WAC 173-19-2507	Des Moines, city of.
WAC 173-19-1104	Richland, city of.	WAC 173-19-2508	Duvall, city of.
WAC 173-19-1105	West Richland, city of.	WAC 173-19-2509	Hunts Point, town of.
WAC 173-19-120	Chelan County.	WAC 173-19-2510	Issaquah, city of.
WAC 173-19-1201	Cashmere, city of.	WAC 173-19-2511	Kent, city of. Kirkland, city of.
WAC 173-19-1202	Chelan, city of.	WAC 173-19-2512 WAC 173-19-2513	Lake Forest Park, city of.
WAC 173-19-1203	Entiat, town of.	WAC 173-19-2513 WAC 173-19-2514	Medina, city of.
WAC 173-19-1204	Leavenworth, city of.	WAC 173-19-2514 WAC 173-19-2515	Mercer Island, city of.
WAC 173-19-1205	Wenatchee, city of.	WAC 173-19-2516	Normandy Park, city of.
WAC 173-19-130	Clallam County. Port Angeles, city of.	WAC 173-19-2517	North Bend, city of.
WAC 173-19-1301	Clark County.	WAC 173-19-2518	Pacific, city of.
WAC 173-19-140 WAC 173-19-1401	Camas, city of.	WAC 173-19-2519	Redmond, city of.
WAC 173-19-1401 WAC 173-19-1402	LaCenter, town of.	WAC 173-19-2520	Renton, city of.
WAC 173-19-1402 WAC 173-19-1403	Ridgefield, town of.	WAC 173-19-2521	Seattle, city of.
WAC 173-19-1403 WAC 173-19-1404	Vancouver, city of.	WAC 173-19-2522	Skykomish, town of.
WAC 173-19-1405	Washougal, city of.	WAC 173-19-2523	Snoqualmie, city of.
WAC 173-19-150	Columbia County.	WAC 173-19-2524	Tukwila, city of.
WAC 173-19-1501	Dayton, city of.	WAC 173-19-2525	Yarrow Point, town of.
WAC 173-19-1502	Starbuck, town of.	WAC 173-19-260	Kitsap County.
WAC 173-19-160	Cowlitz County.	WAC 173-19-2601	Bremerton, city of.
WAC 173-19-1601	Castle Rock, city of.	WAC 173-19-2602	Port Orchard, city of.
WAC 173-19-1602	Kalama, city of.	WAC 173-19-2603	Poulsbo, city of.
WAC 173-19-1603	Kelso, city of.	WAC 173-19-2604	Winslow, city of.
WAC 173-19-1604	Longview, city of.	WAC 173-19-270	Kittitas County.
WAC 173-19-1605	Woodland, city of.	WAC 173-19-2701	Cle Elum, city of.
WAC 173-19-170	Douglas County.	WAC 173-19-2702	Ellensburg, city of.
WAC 173-19-1701	Bridgeport, town of.	WAC 173-19-2703	South Cle Elum, town of.
WAC 173-19-1702	East Wenatchee, city of.	WAC 173-19-280	Klickitat County.
WAC 173-19-1703	Rock Island, town of.	WAC 173-19-2801	Bingen, town of. Goldendale, city of.
WAC 173-19-180	Ferry County.	WAC 173-19-2802 WAC 173-19-2803	White Salmon, town of.
WAC 173-19-1801	Republic, town of.	WAC 173-19-2803 WAC 173-19-290	Lewis County.
WAC 173-19-190	Franklin County.	WAC 173-19-2901	Centralia, city of.
WAC 173-19-1901	Pasco, city of.	WAC 173-19-2901 WAC 173-19-2902	Chehalis, city of.
WAC 173-19-200	Garfield County. Grant County.	WAC 173-19-2903	Morton, city of.
WAC 173-19-210 WAC 173-19-2101	Krupp, town of.	WAC 173-19-2904	Pe Ell, town of.
WAC 173-19-2101 WAC 173-19-2102	Moses Lake, city of.	WAC 173-19-2905	Toledo, city of.
WAC 173-19-2102 WAC 173-19-2103	Soap Lake, city of.	WAC 173-19-2906	Vader, city of.
WAC 173-19-2104	Wilson Creek, town of.	WAC 173-19-2907	Winlock, city of.
WAC 173-19-220	Grays Harbor County.	WAC 173-19-300	Lincoln County.
WAC 173-19-2201	Aberdeen, city of.	WAC 173-19-3001	Odessa, town of.
WAC 173-19-2202	Cosmopolis, city of.	WAC 173-19-3002	Sprague, city of.
WAC 173-19-2203	Elma, city of.	WAC 173-19-310	Mason County.
WAC 173-19-2204	Hoquiam, city of.	WAC 173-19-3101	Shelton, city of.
WAC 173-19-2205	Montesano, city of.	WAC 173-19-320	Okanogan County.
WAC 173-19-2206	Oakville, city of.	WAC 173-19-3201	Brewster, town of.
WAC 173-19-2207	Ocean Shores, city of.	WAC 173-19-3202	Conconully, town of.
WAC 173-19-2208	Westport, city of.	WAC 173-19-3203	Okanogan, city of.
WAC 173-19-230	Island County.	WAC 173-19-3204	Omak, city of.
WAC 173-19-2301	Coupeville, town of.	WAC 173-19-3205	Oroville, town of.
WAC 173-19-2302	Langley, city of.	WAC 173-19-3206	Pateros, town of.
WAC 173-19-2303	Oak Harbor, city of.	WAC 173-19-3207	Riverside, town of.
WAC 173-19-240	Jefferson County.	WAC 173-19-3208	Tonasket, town of. Twisp, town of.
WAC 173-19-2401	Port Townsend, city of.	WAC 173-19-3209	i wisp, town or.
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WAC 173-19-3210	Winthrop, town of.
WAC 173-19-330	Pacific County.
WAC 173-19-3301	Ilwaco, town of.
WAC 173-19-3301 WAC 173-19-3302	Long Beach, town of.
WAC 173-19-3303	
WAC 173-19-3303	Raymond, city of.
WAC 173-19-3304 WAC 173-19-340 WAC 173-19-3401	South Bend, city of.
WAC 173-19-340	Pend Oreille County.
WAC 173-19-3401	Cusick, town of.
WAC 173-19-3402	Ione, town of.
WAC 173-19-3403	Metaline, town of.
WAC 173-19-3404	Metaline Falls, town of.
WAC 173-19-3405 WAC 173-19-350 WAC 173-19-3501	Newport, city of.
WAC 173-19-350	Pierce County.
WAC 173-19-3501	Bonney Lake, city of.
WAC 173-19-3502	Buckley, city of.
WAC 173-19-3503	Dupont, city of.
WAC 173-19-3504	Eatonville, town of.
WAC 173-19-3505	Fife, city of.
WAC 173-19-3506 WAC 173-19-3507	Gig Harbor, city of.
WAC 173-19-3507	Orting, city of.
WAC 173-19-3508	Puyallup, city of.
WAC 173-19-3509	Roy, city of.
WAC 173-19-3510	Ruston, town of.
WAC 173-19-3511	South Prairie, town of.
WAC 173-19-3511 WAC 173-19-3512	Steilacoom, town of.
WAC 173-19-3512	Sumner, city of.
WAC 173-19-3514	Tacoma, city of.
WAC 173-19-3514 WAC 173-19-3515	Wilkeson, town of.
WAC 173-19-360	San Juan County.
WAC 173-19-3001	Friday Harbor, town of.
WAC 173-19-3601 WAC 173-19-370 WAC 173-19-3701	Skagit County.
WAC 1/3-19-3/01	Anacortes, city of.
WAC 173-19-3702	Concrete, town of.
WAC 173-19-3703	Hamilton, town of.
WAC 173-19-3704	La Conner, town of.
WAC 173-19-3705 WAC 173-19-3706	Lyman, town of.
WAC 173-19-3706	Mount Vernon, city of.
WAC 173-19-3707	Burlington, city of.
WAC 173-19-380	Skamania County.
WAC 173-19-3801	North Bonneville, city of.
WAC 173-19-3802	Stevenson, town of.
WAC 173-19-390	Snohomish County.
WAC 173-19-3802 WAC 173-19-390 WAC 173-19-3901	Arlington, city of.
WAC 173-19-3902	Brier, city of.
WAC 173-19-3903	Edmonds, city of.
WAC 173-19-3904	Everett, city of.
WAC 173-19-3905	Gold Bar, town of.
WAC 173-19-3906	Granite Falls, town of.
WAC 173-19-3906 WAC 173-19-3907	Index, town of.
WAC 173-19-3908	Lake Stevens, city of.
WAC 173-19-3909	Marysville, city of.
WAC 173-19-3910	Monroe, city of.
WAC 173-19-3911	Mountlake Terrace, city of.
WAC 173-19-3012	Mukilteo, city of.
WAC 173-19-3912 WAC 173-19-3913	
WAC 173-19-3913 WAC 173-19-3914	Snohomish, city of.
WAC 173-19-3914 WAC 173-19-3915	Stanwood, city of.
	Sultan, town of.
WAC 173-19-3916	Woodway, town of.
WAC 173-19-400 WAC 173-19-4001 WAC 173-19-4002	Spokane County.
WAC 173-19-4001	Latah, town of.
WAC 173-19-4002 WAC 173-19-4003	Medical Lake, town of. Millwood, town of.

WAC 173-19-4004	Rockford, town of.
WAC 173-19-4005	Spokane, city of.
WAC 173-19-4006	Waverly, town of.
WAC 173-19-410	Stevens County.
WAC 173-19-4006 WAC 173-19-410 WAC 173-19-4101	Chewelah, city of.
WAC 173-19-4102	Northport, town of.
WAC 173-19-420	Thurston County.
WAC 173-19-4201	Bucoda, town of.
WAC 173-19-4201 WAC 173-19-4202	Lacey, city of.
WAC 173-19-4203	Olympia, city of.
WAC 173-19-4204	Tenino, town of.
WAC 173-19-4205	Tumwater, city of.
WAC 173-19-4205 WAC 173-19-4206	Yelm, town of.
WAC 173-19-430	Wahkiakum County.
WAC 173-19-4301	Cathlamet, town of.
WAC 173-19-4301	Walla Walla County.
WAC 173-19-440 WAC 173-19-4401	
WAC 173-19-4402	Waitsburg, town of.
WAC 173-19-4402 WAC 173-19-450	Walla Walla, city of.
WAC 173-19-430	Whatcom County.
WAC 173-19-4501 WAC 173-19-4502	Bellingham, city of.
WAC 173-19-4502 WAC 173-19-4503	Blaine, city of.
WAC 173-19-4303	Everson, city of.
WAC 173-19-4504	Ferndale, city of.
WAC 173-19-4505 WAC 173-19-4506	Lynden, city of.
WAC 173-19-4506 WAC 173-19-4507	Nooksack, city of.
	Sumas, city of.
WAC 173-19-460	Whitman County.
WAC 173-19-4601 WAC 173-19-4602	Albion, town of.
WAC 173-19-4602	Colfax, city of.
WAC 173-19-4603	Malden, town of.
WAC 173-19-4604	Palouse, city of.
WAC 173-19-4605 WAC 173-19-4606	Pullman, city of.
WAC 173-19-4606	Rosalia, town of.
WAC 173-19-4607	Tekoa, city of.
WAC 173-19-470	Yakima County.
WAC 173-19-4701 WAC 173-19-4702	Grandview, city of.
WAC 173-19-4702	Granger, town of.
WAC 173-19-4703	Naches, town of.
WAC 173-19-4704	Selah, city of.
WAC 173-19-4705 WAC 173-19-4706	Union Gap, city of.
WAC 173-19-4706	Yakima, city of.
WAC 173-19-4707	Zillah, city of.

Chapter 173-26 WAC STATE MASTER PROGRAM APPROVAL/ AMENDMENT PROCEDURES

NEW SECTION

WAC 173-26-010 Authority and purpose. The provisions of this chapter implement the requirements of chapter 90.58 RCW, the Shoreline Management Act of 1971. RCW 90.58.200 authorizes the adoption of rules by the department as necessary and appropriate to carry out the provisions of the act. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state. Such local programs should be integrated with other local government systems for administration and enforcement of land use regulations. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by the Growth Management Act. All other portions of the local shoreline master program, including the use regulations, are considered a part of the local development regulations required by the Growth Management Act.

This chapter is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances.

Pursuant to the Shoreline Management Act, the department must approve master programs prepared by local governments or adopt them by rule consistent with the act. In order to facilitate this process, Part I of this chapter establishes a recordkeeping system for the department and defines the contents of the state master program. Part II sets forth procedures for approving and adopting master programs and amendments thereto.

NEW SECTION

WAC 173-26-020 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program;

(2) "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master

program;

- (3) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program;
- (4) "Department" means the state department of ecology;
- (5) "Development regulations" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto;
- (6) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190;
- (7) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to

adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs;

(8) "Local government" means any county, incorporated city or town which contains within its boundaries shorelines

of the state subject to chapter 90.58 RCW;

(9) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations; and

(10) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, shall also apply as used herein.

PART I STATE MASTER PROGRAM

NEW SECTION

WAC 173-26-030 Master programs required—State master program contents. Chapter 90.58 RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a shoreline master program. The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department, together with any changes pursuant to WAC 173-26-040. Local governments which are required to develop and administer shoreline master programs are listed in WAC 173-26-080.

NEW SECTION

WAC 173-26-040 Master programs required—Unlisted local governments. The department shall periodically update the list of local governments contained in WAC 173-26-080. When as a result of annexation, municipal incorporation, or change in shoreline jurisdiction, a city or town with shorelines of the state within its boundaries is not listed, such local government is required to develop and administer a shoreline master program pursuant to chapter 90.58 RCW and this chapter.

NEW SECTION

WAC 173-26-050 State master program register— Maintained by department. The department shall prepare and maintain an official state master program register identifying original department adoption dates and the effective dates of subsequent amendments approved or adopted by the department for each local government shoreline master program. The master program register shall be available for public viewing and inspection during normal business hours at the headquarters of the department. Copies of the register shall be available from the department at the expense of the requesting party. The department shall keep the register current, incorporating master program adoption and amendment dates as they occur.

NEW SECTION

WAC 173-26-060 State master program—Complete record maintained by department. The department shall maintain records for all master programs and subsequent amendments thereto. Master program records shall be organized consistent with the state master program register and shall be available for public viewing and inspection during normal business hours at the headquarters of the department.

The department shall maintain a record of each master program, the action taken by the department on any proposed master program or amendment, and any appeal of the department's action. Such records should be maintained in two groups of files as follows:

- (1) Shoreline master program working files corresponding to each proposed master program or amendment containing, where applicable:
 - (a) Initial submittal from local government;
- (b) Record of notice to the public, interested parties, agencies and tribes;
 - (c) Staff reports, analysis and recommendations;
- (d) Pertinent correspondence between local government and the department;
- (e) The department's letter denying, approving as submitted or approving alternatives together with findings and conclusions and amended text and/or maps;
- (f) Documents related to any appeal of the department's action on the amendment;
 - (g) Supplemental materials including:
 - (i) Interested party mailing list;
- (ii) Comment letters and exhibits from federal, state, local, and tribal agencies;
- (iii) Comment letters and exhibits from the general public;
- (iv) Recorded tapes and/or a summary of hearing oral testimony;
 - (v) The responsiveness summary, if adopted by rule.
- (2) State master program files, containing the master program currently in effect, with all text and map amendments incorporated, constituting the official state master program approved document of record.

NEW SECTION

WAC 173-26-070 Adoption of shoreline master programs by rule—Department action. (1) The department may adopt a shoreline master program by rule in the following circumstances:

(a) Pursuant to RCW 90.58.070(2), when a local government fails to approve a master program relating to shorelines of the state within its jurisdiction in accordance with the time schedule provided for in RCW 90.58.080, the department shall carry out the requirements of RCW 90.58.080 and adopt by rule a master program for shorelines

of the state within the jurisdiction of the local government. The department has adopted by rule a master program for shorelines of the state within the jurisdiction of those local governments listed in subsection (2) of this section:

- (b) Pursuant to RCW 90.58.090(4), when the department determines that those parts of a master program relating to shorelines of state-wide significance do not provide for optimum implementation of the policy of chapter 90.58 RCW to satisfy the state-wide interest, the department may develop and adopt by rule an alternative to the local government's master program proposal. The department has adopted by rule an alternative master program for shorelines of state-wide significance within the jurisdiction of those local governments listed in subsection (2) of this section.
- (2) As set forth in subsection (1)(a) and (b) of this section, the department has adopted by rule a master program, alternative master program or portion thereof for the local governments listed below. This listing shall be updated periodically so as to remove reference to local governments who have complied with the requirements of chapter 90.58 RCW and this chapter, having prepared and submitted a shoreline master program that has been approved by the department.

NEW SECTION

WAC 173-26-080 Master programs required of local governments. The following local governments, listed alphabetically by county, are required to develop and administer a shoreline master program:

Adams County.

Asotin County.

Asotin, city of.

Clarkston, city of.

Benton County.

Benton City, city of.

Kennewick, city of.

Prosser, city of.

Richland, city of.

West Richland, city of.

Chelan County.

Cashmere, city of.

Chelan, city of.

Entiat, town of.

Leavenworth, city of.

Wenatchee, city of.

Clallam County.

Forks, city of.

Port Angeles, city of.

Sequim, city of.

Clark County.

Camas, city of. LaCenter, town of. Ridgefield, town of.

Vancouver, city of.

Washougal, city of.

Woodland, city of.

Columbia County.

Dayton, city of.

Starbuck, town of.

Cowlitz County.

Castle Rock, city of.

Kalama, city of.

Kelso, city of.

Longview, city of.

Woodland, city of.

Douglas County.

Bridgeport, town of.

Coulee Dam, city of.

East Wenatchee, city of.

Rock Island, town of.

Ferry County.

Republic, town of.

Franklin County.

Pasco, city of.

Garfield County.

Grant County.

Coulee City, city of.

Coulee Dam, city of.

Electric City, city of.

Grand Coulee, city of.

Krupp, town of.

Moses Lake, city of.

Soap Lake, city of.

Wilson Creek, town of.

Grays Harbor County.

Aberdeen, city of.

Cosmopolis, city of.

Elma, city of.

Hoquiam, city of.

Montesano, city of.

Oakville, city of.

Ocean Shores, city of.

Westport, city of.

Island County.

Coupeville, town of.

Langley, city of.

Oak Harbor, city of.

Jefferson County.

Port Townsend, city of.

King County.

Auburn, city of.

Beaux Arts Village, town of.

Bellevue, city of.

Black Diamond, city of.

Bothell, city of.

Burien, city of.

Carnation, town of.

Des Moines, city of.

Duvall, city of.

Federal Way, city of.

Hunts Point, town of.

Issaquah, city of.

Kent, city of.

Kirkland, city of.

Lake Forest Park, city of.

Medina, city of. Mercer Island, city of. Milton, city of. Newcastle, city of. Normandy Park, city of. North Bend, city of. Pacific, city of. Redmond, city of. Renton, city of. Sea-Tac, city of. Seattle, city of. Shoreline, city of. Skykomish, town of. Snoqualmie, city of. Tukwila, city of. Woodinville, city of.

Kitsap County.

Bremerton, city of.

Yarrow Point, town of.

Port Orchard, city of.

Poulsbo, city of.

Bainbridge Island, city of.

Kittitas County.

Cle Elum, city of.

Ellensburg, city of.

South Cle Elum, town of.

Klickitat County.

Bingen, town of.

Goldendale, city of.

White Salmon, town of.

Lewis County.

Centralia, city of.

Chehalis, city of.

Morton, city of.

Pe Ell, town of.

Toledo, city of.

Vader, city of.

Winlock, city of.

Lincoln County.

Odessa, town of.

Sprague, city of.

Mason County.

Shelton, city of.

Okanogan County.

Brewster, town of. Conconully, town of.

Coulee Dam, city of.

Okanogan, city of.

Omak, city of.

Oroville, town of.

Olovine, town or.

Pateros, town of.

Riverside, town of.

Tonasket, town of.

Twisp, town of.

Winthrop, town of.

Pacific County.

Ilwaco, town of.

Long Beach, town of.

Raymond, city of. South Bend, city of.

Pend Oreille County.
Cusick, town of.
Ione, town of.
Metaline, town of.
Metaline Falls, town of.
Newport, city of.

Pierce County.

Bonney Lake, city of. Buckley, city of. Dupont, city of. Eatonville, town of. Fife, city of. Gig Harbor, city of. Lakewood, city of. Milton, city of. Orting, town of. Pacific, city of. Puyallup, city of. Roy, city of. Ruston, town of. South Prairie, town of. Steilacoom, town of. Sumner, city of. Tacoma, city of. University Place, city of. Wilkeson, town of.

San Juan County. Friday Harbor, town of.

Skagit County.

Anacortes, city of.
Burlington, city of.
Concrete, town of.
Hamilton, town of.
La Conner, town of.
Lyman, town of.
Mount Vernon, city of.
Sedro Woolley, city of.

Skamania County.

North Bonneville, city of.

Stevenson, town of.

Snohomish County. Arlington, city of. Bothell, city of. Brier, city of. Edmonds, city of. Everett, city of. Gold Bar, town of. Granite Falls, town of. Index, town of. Lake Stevens, city of. Marysville, city of. Monroe, city of. Mountlake Terrace, city of. Mukilteo, city of. Snohomish, city of. Stanwood, city of.

Sultan, town of.

Woodway, town of.

Spokane County.
Latah, town of.
Medical Lake, town of.
Millwood, town of.
Rockford, town of.
Spokane, city of.
Waverly, town of.

Stevens County.
Chewelah, city of.
Northport, town of.

Thurston County.

Bucoda, town of.

Lacey, city of.

Olympia, city of.

Tenino, town of.

Tumwater, city of.

Yelm, town of.

Wahkiakum County.
Cathlamet, town of.

Walla Walla County.
Waitsburg, town of.
Walla Walla, city of.

Whatcom County.

Bellingham, city of.

Blaine, city of.

Everson, city of.

Ferndale, city of.

Lynden, city of.

Nooksack, city of.

Sumas, city of.

Whitman County.
Albion, town of.
Colfax, city of.
Malden, town of.
Palouse, city of.
Pullman, city of.
Rosalia, town of.
Tekoa, city of.

Yakima County.
Grandview, city of.
Granger, town of.
Naches, town of.
Selah, city of.
Union Gap, city of.
Yakima, city of.
Zillah, city of.

PART II SHORELINE MASTER PROGRAM APPROVAL/ AMENDMENT

DRAFT REVIEW:

WAC 173-26-090 Periodic review-Public involvement encouraged-Amendment of comprehensive plans, development regulations and master programs. The department and each local government shall periodically review any shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

NEW SECTION

WAC 173-26-100 Local process for approving/ amending shoreline master programs. Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

- (a) Reference to the authority(s) under which the action(s) is proposed;
- (b) A statement or summary of the proposed changes to the master program;
- (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
- (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
- (5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;
- (6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
 - (7) Approve the proposal.

NEW SECTION

WAC 173-26-110 Submittal to department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:

- (1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;
- (2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;
- (3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. Environment designation maps shall include a scale and north arrow and shall be of standard size using distinct reproducible noncolor patterns. All proposals for

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changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

- (4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;
- (5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;
- (6) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

NEW SECTION

WAC 173-26-120 State process for approving/ amending shoreline master programs. Review and approval of master programs and amendments by the department shall follow the procedures set forth below:

FORMAL REVIEW:

- (1) The department shall review the submitted master program or amendment for compliance with WAC 173-26-100 and 173-26-110. The department shall notify the local government in writing when it determines that a complete submittal has been received. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not commence until the department determines the submittal is complete;
- (2) The department shall provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the local government proposal and to all persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter. The comment period shall be at least thirty days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period;
- (3) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of community, trade, and economic development of its intent to commence formal review of the local government proposal;
- (4) At the department's discretion, it may conduct a public hearing during the comment period in the jurisdiction proposing the master program or amendment;
- (5) If the department conducts a hearing pursuant to subsection (4) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:
- (a) A description of the proposed master program or amendment;

- (b) Reference to the authority under which the action is proposed;
- (c) The dates, times, and locations of the public hearing, and the manner in which interested persons may obtain copies of the proposal and present their views.

For master program or amendment proposals involving adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held;

(6) Within fifteen days after the close of the department's public comment period, the department shall request of the local government submitting the proposal a review of the issues if any, identified by the public, interested parties, groups, agencies, and tribes, and a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines. Local government shall submit its response to the department within forty-five days of the date of the department's letter requesting a response. If no response is received by the department within the forty-five-day period, the department may proceed with action on the proposal according to subsection (7) of this section. Within the forty-five-day period, the local government may request in writing additional time to prepare a response;

APPROVAL:

(7) Within thirty days after receipt of the local government written response pursuant to subsection (6) of this section, the department shall make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in subsection (6) of this section and either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested parties, tribes, and agencies of record on the proposal.

In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. The department shall approve those parts of a master program relating to shorelines of state-wide significance only after determining the program provides for optimum implementation of the state-wide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.

- (a) In cases where the proposal is approved as submitted, the effective date of the approved master program or amendment shall be the date of the department's letter to local government approving the submitted master program or amendments.
- (b) If the department recommends changes to the proposal, within thirty days after the department mails the written findings and conclusions to the local government pursuant to this subsection (7), the local government may:

- (i) Agree to the proposed changes. Receipt by the department of the written notice of agreement from the local government shall constitute final action by the department approving the revised submittal. Written notice of the local government acceptance shall be provided by the department to all parties of record. In such cases, the effective date of the approved master program or amendment is the date the department receives from local government the written notice of agreement; or
- (ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in this subsection (7) and with the policy of RCW 90.58.020 and the applicable guidelines, it shall approve the alternative changes and provide written notice to all parties of record. In such cases, the effective date of the approved master program or amendments is the date of the department's letter to local government approving the alternative proposal.

If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or at the request of local government start anew with the review and approval process beginning at WAC 173-26-120;

- (8) A master program or amendment thereto takes effect when and in such form as it is ultimately approved or adopted by rule by the department or pursuant to a decision of the growth planning hearings or shorelines hearings boards. The department's approved document of record, filed at the department, constitutes the official master program;
- (9) For local governments planning under chapter 36.70A RCW, after final action by the department on a local government's shoreline master program or amendment the local government shall, pursuant to RCW 90.58.090, promptly publish a notice that the department has taken final action on the master program or amendment. For purposes of this section, the date of publication for the master program adoption or amendment shall be the date on which the local government publishes the notice that the department has taken final action on the master program or amendment.

NEW SECTION

WAC 173-26-130 Appeal procedures for master programs. (1) For local governments planning under chapter 36.70A RCW, the growth management hearings board with jurisdiction shall hear and make determinations regarding the department's decision to approve, adopt by rule, or deny a proposed master program or amendment. All petitions for review shall be filed within sixty days after publication of notice by the local government of the department's final action pursuant to WAC 173-26-120(9).

(2) For local governments not planning under chapter 36.70A RCW, all petitions for review shall be filed with the state shorelines hearings board within thirty days of the written decision by the department approving or denying the master program or amendment.

NEW SECTION

WAC 173-26-140 Shoreline master program administrative interpretation. As required by RCW 36.70B.110(11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. When developing and adopting procedures for administrative interpretation of its shoreline master program, local government shall include provisions requiring consultation with the department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.

NEW SECTION

WAC 173-26-150 Local government annexation—Shoreline environment predesignation in planning jurisdictions. Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.

Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.

Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.

NEW SECTION

WAC 173-26-160 Local government annexation—Nonplanning jurisdictions. Except as provided in WAC 173-26-150, in the event of annexation of a shoreline of the state, the local government assuming jurisdiction shall notify the department of such annexation and develop or amend a master program to include the annexed area. Such master program development or amendment shall be consistent with the policy of RCW 90.58.020 and the applicable guidelines and shall be submitted to the department for approval no later than one year from the effective date of annexation.

Until a new or amended master program is adopted by the department, any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon compliance with the master program in effect for the area prior to annexation.

Chapter 173-27 WAC
SHORELINE MANAGEMENT PERMIT AND
ENFORCEMENT PROCEDURES

Proposed [54]

PART I PERMITS FOR DEVELOPMENT ON SHORELINES OF THE STATE

NEW SECTION

WAC 173-27-010 Authority. The provisions of this part implement the requirements of chapter 90.58 RCW, the Shoreline Management Act. Specifically, RCW 90.58.200 authorizes the adoption of rules as necessary to implement the provisions of the act and RCW 90.58.140(3) requires that the department adopt rules for administration and enforcement of the permit system established by the act.

NEW SECTION

WAC 173-27-020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policies and provisions of the Shoreline Management Act.

NEW SECTION

WAC 173-27-030 **Definitions.** The following definitions shall apply:

- (1) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;
- (2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government;
- (3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

- (4) "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;
 - (5) "Department" means the department of ecology;
- (6) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;
- (7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;
- (8) "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- (9) "Final decision" shall mean, with regard to substantial development permits, the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed; and, with regard to permits for projects which require a conditional use permit and/or a variance, with or without also requiring a substantial development permit, the decision issued by the department;
- (10) "Height" is measured from average grade level to the highest point of a structure: *Provided*, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: *Provided further*, That temporary construction equipment is excluded in this calculation;
- (11) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW;
- (12) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;
- (13) "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;

- (14) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;
- (15) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;
- (16) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;
- (17) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination;
- (18) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;
- (19) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water;
- (20) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-25 and 173-26 WAC also apply as used in this chapter.

- WAC 173-27-040 Developments exempt from substantial development permit requirement. (1) Application and interpretation of exemptions.
- (a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.
- (b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.
- (c) The burden of proof that a development or use is exempt from the permit process is on the applicant.
- (d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- (e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary

- to assure consistency of the project with the act and the local master program.
- (2) The following developments shall not require substantial development permits:
- (a) Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- (b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
- (c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if it is constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.
- (d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter.

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Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

- (e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- (f) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;
- (g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a state-wide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- (h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and

does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

- (i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or
- (ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

- (i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;
- (j) The marking of property lines or corners on stateowned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- (1) Any project with a certification from the governor pursuant to chapter 80.50 RCW;
- (m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
- (i) The activity does not interfere with the normal public use of the surface waters;
- (ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
- (iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
- (iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
- (v) The activity is not subject to the permit requirements of RCW 90.58.550;
- (n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;
- (o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within

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forty-five days of receiving a complete application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

- (i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
- (A) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings:
- (B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- (C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.
- (ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;
- (p) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
- (i) The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
- (ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and
- (iii) The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.
- (3) Hazardous substance remedial actions. The procedural requirements of chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure

that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.

NEW SECTION

WAC 173-27-050 Letter of exemption. Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

- (1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:
- (a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 (the provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers); or
- (b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)
- (2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.
- (3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

NEW SECTION

WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies. The policies and provisions of chapter 90.58 RCW including the permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act for shorelines of the state.

- (1) Within the coastal counties.
- (a) Direct federal agency actions and projects shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

The Shoreline Management Act is incorporated into the Washington state coastal zone management plan and,

thereby, those direct federal actions occurring on lands subject to the act must be consistent to the maximum practicable extent with the act, regulations adopted pursuant to the act and with the local master program. Local government is in the best position to determine the appropriate procedure for review of federal development activities at the local level while the state must take action on federal consistency determinations submitted to it.

- (b) When the department receives a consistency determination for a development proposed by the federal government on land subject to the act, it shall request that local government review the proposal and respond in writing that the local government:
- (i) Cannot make a determination of the consistency of the project with the master program without reviewing the project in the regular permit process; or
- (ii) Has reviewed the project for consistency with the local master program without using the permit system. Local government may recommend that the project be approved, approved only under certain specified conditions or denied.
 - (iii) Defers review of the project to the state.
- (c) Upon receipt of a response from local government that a permit is required to make a determination, the department shall inform the requesting agency of the local government finding and shall indicate that concurrence with the consistency determination cannot be granted until a permit is issued. If the local government chooses to review and make a recommendation without using the permit system it shall so notify the department and submit its recommendation to the department within thirty days unless a longer period of time is agreed to by the federal agency and the department. If no response is received from local government within thirty days they shall be deemed to have deferred review of the project.
- (d) Nothing in this section shall be deemed to preclude independent review of the project by the state pursuant to any appropriate authority consistent with the approved coastal zone management plan.
- (e) The coastal counties, as established in Washington's approved coastal zone management plan, consist of the following counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.
 - (2) Outside of the coastal counties.
- (a) Direct federal agency actions that are reasonably likely to affect any coastal use or resource shall be consistent with the approved coastal zone management plan to the maximum extent practicable subject to limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq.(CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.
- (b) Except as provided in (a) of this subsection, federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal

- government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.
- (c) Except as provided in (a) of this subsection, the permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government.
- (3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply state-wide to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

NEW SECTION

WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act. Substantial development undertaken on the shorelines of the state prior to the effective date of the act shall not require a permit except under the following circumstances:

- (1) When the activity was unlawful prior to the effective date of the act.
- (2) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.
- (3) When the development is not completed within two years after the effective date of the act.
- (4) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.
- (5) Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.
- (6) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

NEW SECTION

WAC 173-27-080 Nonconforming use and development standards. When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

- (1) "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.
- (2) Structures which are used for a conforming use and are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by

further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

- (3) Uses and developments that do not conform to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.
- (4) A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
- (5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- (6) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
- (a) No reasonable alternative conforming use is practical because of the configuration of the structure; and
- (b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

- (7) A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.
- (8) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.
- (9) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

(10) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed so long as such development conforms to all other requirements of the applicable master program and the act.

NEW SECTION

WAC 173-27-090 Time requirements of permit. The following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.

- (1) Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.
- (2) Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:
- (a) Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
- (b) Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
- (3) The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.
- (4) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a

structure or prior to commencement of a nonstructural activity: *Provided*, That an alternative compliance limit may be specified in the permit.

- (5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: *Provided*, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
- (6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

NEW SECTION

WAC 173-27-100 Revisions to permits. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

- (1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.
- (2) "Within the scope and intent of the original permit" means all of the following:
- (a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
- (b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit:
- (c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
- (d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
- (e) The use authorized pursuant to the original permit is not changed; and
- (f) No adverse environmental impact will be caused by the project revision.
- (3) Revisions to permits may be authorized after original permit authorization has expired under WAC 173-27-080(2). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this

- regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- (4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.
- (5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.
- (6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.
- (7) The revised permit is effective immediately upon final action by local government or, when appropriate under subsection (6) of this section, upon final action by the department.
- (8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

NEW SECTION

WAC 173-27-110 Notice required. (1) Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure.

(2) The system shall assure that notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 and WAC 173-27-180, and include the following in whatever sequence or format the local government deems appropriate:

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- (a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;
- (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 and WAC 173-27-180;
- (c) The identification of other permits not included in the application to the extent known by the local government;
- (d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
- (e) A statement of the public comment period, which shall be not less than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;
- (f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
- (g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
- (h) Any other information determined appropriate by the local government.
- (3) If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.
- (4) The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:
- (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;
- (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or
- (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- (5) The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.
- (6) The notification system shall provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice.

WAC 173-27-120 Special procedures for limited utility extensions and bulkheads. (1) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

- (a) The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;
- (b) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and
- (c) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.
- (2) For purposes of this section, a limited utility extension means the extension of a utility service that:
- (a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
- (b) Will serve an existing use in compliance with this chapter; and
- (c) Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

NEW SECTION

WAC 173-27-130 Filing with department. (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. A "final decision" is that order or ruling, whether it be an approval or denial, which is established after local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

- (2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.
- (3) A complete submittal shall consist of the following documents and information:
- (a) A copy of the complete application pursuant to WAC 173-27-180;
- (b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;
 - (c) The final decision of the local government;
- (d) The permit data sheet required by WAC 173-27-190;
- (e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW,

the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

- (4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.
- (5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. The submittal and permit are void unless and until the material requested in writing is submitted to the department.
- (6) "Date of filing" of a local government final action involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a complete submittal by the department.
- (7) "Date of filing" of a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent submittal by local government of a substantial development permit, is the date the department transmits the final decision on the variance or conditional use permit to local government and the applicant.
- (8) The department shall provide a written notice to the local government and the applicant of the "date of filing."
- (9) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided to the local government and the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection (3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

NEW SECTION

WAC 173-27-140 Review criteria for all development. (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-27-150 Review criteria for substantial development permits. (1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The provisions of this regulation; and
- (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

NEW SECTION

WAC 173-27-160 Review criteria for conditional use permits. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

- (1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
- (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
- (b) That the proposed use will not interfere with the normal public use of public shorelines;
- (c) That the proposed use of the site and design of the project is compatible with other existing uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
- (d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- (e) That the public interest suffers no significant detrimental effect.
- (2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- (3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- (4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

WAC 173-27-170 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- (1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policies enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
- (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- (c) That the design of the project is compatible with other existing uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
- (e) That the variance requested is the minimum necessary to afford relief; and
- (f) That the public interest will suffer no substantial detrimental effect.
- (3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
- (b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and
- (c) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if varianc-

es were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

NEW SECTION

WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit. A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

- (1) The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
- (2) The name, address and phone number of the applicant's representative if other than the applicant.
- (3) The name, address and phone number of the property owner, if other than the applicant.
- (4) Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
- (5) Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.
- (6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- (7) A general description of the property as it now exists including its physical characteristics and improvements and structures.
- (8) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- (9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
- (a) The boundary of the parcel(s) of land upon which the development is proposed.
- (b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

- (c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
- (d) A delineation of all wetland areas that will be altered or used as a part of the development.
- (e) A general indication of the character of vegetation found on the site.
- (f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to, buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
 - (g) Where applicable, a landscaping plan for the project.
- (h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- (i) Quantity, source and composition of any fill material that is to be placed on the site whether temporary or permanent
- (j) Quantity, composition and destination of any excavated or dredged material.
- (k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- (l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- (m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

WAC 173-27-190 Permits for substantial development, conditional use, or variance. (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

- (2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government including a combined permit application form. Such forms will be supplied by local government.
- (3) A permit data sheet shall be submitted to the department with each shoreline permit. The permit data sheet form shall be as provided in Appendix A of this regulation.

NEW SECTION

WAC 173-27-200 Department review of conditional use and variance permits. (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-130.

- (2) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.
- (3) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

NEW SECTION

WAC 173-27-210 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-27-160 and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where they exist in approved and adopted master programs.

NEW SECTION

WAC 173-27-220 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

PART II SHORELINE MANAGEMENT ACT ENFORCE-MENT

NEW SECTION

WAC 173-27-240 Authority and purpose. This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

WAC 173-27-250 Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

- (1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and
- (2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

NEW SECTION

WAC 173-27-260 Policy. These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

NEW SECTION

WAC 173-27-270 Order to cease and desist. Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

- (1) Content of order. The order shall set forth and contain:
- (a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and
- (b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.
- (2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
- (3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

NEW SECTION

WAC 173-27-280 Civil penalty. (1) A person who fails to conform to the terms of a permit issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under

these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

- (a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
- (b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or
- (c) The violation has a probability of placing a person in danger of death or bodily harm; or
- (d) Has a probability of causing more than minor environmental harm; or
- (e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
- (2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:
- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the agency requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the agency or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

- (3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.
- (4) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
- (5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
- (6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

NEW SECTION

WAC 173-27-290 Appeal of civil penalty. (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are contested cases subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

- (a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.
- (b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. The action shall be brought in Thurston County or in any county in which such violator may do business. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.
- (4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

NEW SECTION

WAC 173-27-300 Criminal penalty. The procedures for criminal penalties shall be governed by RCW 90.58.220.

NEW SECTION

WAC 173-27-310 Oil or natural gas exploration—Penalty. Persons violating the provisions of RCW 90.58.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

WAC 173-27-990 Appendix A.

Shoreline Management Act Permit Data Sheet and Transmittal Letter

From: (local government)	To: (appropriate Ecology office)
Date of Transmittal: Type of Permit: (Indicate all that apply) Substantial Development; Conditional Use;	Date of Reciept: (provided by Ecology) Variance; Revision; Other
Local Government Decision: Approval; Condi Applicant Information: Name:	Applicant's Representative: (If primary contact)
Address:	
Phone(s):	Phone(s):
Is the applicant the property owner?yesno Location of the Property: (Section Township and Plongitude, and a street address where available)	Range to the nearest 1/4, 1/4 Section or latitude and
Water Body Name: Shoreline of Statewide Significance: Yes No Environment Designation: Description of the Project: (Summary of the intende	
Notice of Application Date:	Final Decision Date:
By: <u>(Local Government Primary Contact on thi</u>	s Application)

WSR 96-13-105 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 19, 1996, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-09-100.

Title of Rule: WAC 296-17-90100 Purpose, 296-17-90110 Definitions, 296-17-90120 Qualifications for drug-free workplace discount, 296-17-90130 Application of drug-free workplace discount, 296-17-90140 Drug-free workplace discount certification, and 296-17-90150 Maximum program cap for drug-free workplace discount.

Purpose: To establish rules for implementation of a 5% workers' compensation premium discount for employers who are certified as a drug-free workplace.

Statutory Authority for Adoption: 2SSB 5516, section 14.

Statute Being Implemented: RCW 51.16.035.

Summary: To adopt rules for the certification and administration of the workers' compensation premium discount for employers who establish and maintain a drugfree workplace that complies with chapter 172, Laws of 1996.

Reasons Supporting Proposal: This proposal is needed to ensure clear and uniform application of the discount program.

Name of Agency Personnel Responsible for Drafting: Laura Goshorn, Tumwater, 902-4809; Implementation and Enforcement: Kathy Kimbel, Tumwater, 902-4739.

Name of Proponent: Department of Labor and Industries and 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: As dictated by statute, and in order to provide a more safe and healthful workplace for workers in the state of Washington, the department is proposing to incorporate new language into chapter 296-17 WAC, Manual of rules, classifications, rates and rating systems for Washington workers' compensation insurance. This proposal will establish rules for implementation of a 5% workers' compensation premium discount for employers who are certified by the Division of Alcohol and Substance Abuse of the Department of Social and Health Services as meeting the criteria for a drug-free workplace. The proposal establishes rules for administering a waiting list should the total discounts provided exceed the five million dollar cap. The anticipated effect of the proposal is to provide clarification and consistent application of the drug-free workplace discount program in compliance with chapter 127, Laws of 1996.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have the potential of placing a more than minor economic impact on business. Thus, a small business economic impact statement is not required. The department is further exempted from conducting an evaluation of the probable costs and probable benefits of the proposed rule as required by RCW 34.05.328 (1)(c) of the Administrative Procedure

Act, based on the fact that the content of the proposed rules is explicitly and specifically dictated by statute.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed rules is explicitly and specifically dictated by statute.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on July 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Goshorn, (360) 902-4809, by July 9, 1996.

Submit Written Comments to: Kathy Kimbel, Program Manager, Insurance Services Employer Services, P.O. Box 44140, Olympia, WA 98504-4140.

Date of Intended Adoption: August 29, 1996.

June 19, 1996 Mark O. Brown Director

NEW SECTION

WAC 296-17-90100 Purpose. The department shall provide for a five percent workers' compensation premium discount for qualified employers certified by the division of alcohol and substance abuse of the department of social and health services as meeting the criteria for a drug-free workplace.

NEW SECTION

WAC 296-17-90110 Definitions. (1) An "employer" is defined as any individual or entity subject to Title 51 RCW excluding the state or any department, agency, or instrumentality of the state, any county, any city, any school district or educational service district, municipal corporation or employer qualifying as self insured.

(2) A premium discount is a reduction of premium, of a specified amount or percentage, which is earned by meeting certain requirements, such as, but not necessarily limited to, participation in a pilot program or initiative, agreement to alternative premium reporting and payment procedures, and/or adopting loss control initiatives not required of all employers.

Premium adjustments under rating systems such as experience rating and retrospective rating, which have a wide range of potential outcomes, and which may either increase or decrease premiums depending on the outcome, are not premium discounts.

NEW SECTION

WAC 296-17-90120 Qualifications for drug-free workplace discount. (1) Employers must maintain all industrial insurance accounts in good standing with the department, such that at the time of certification and for the duration of the certification period, no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310. The department may at its discretion, determine that an employer is in good standing if the employer and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of the outstanding debt. Final determination of an employer's eligibility to participate in this discount program under this

section rests with the department subject to review under chapter 51.52 RCW.

(2) An employer may not receive more than one premium discount. If participating in more than one program involving premium discounts, an employer will receive only the largest individual discount.

NEW SECTION

WAC 296-17-90130 Application of drug-free workplace discount. The premium discount will be applied by reducing the accident fund and medical aid premium rates by five percent.

Employers who are certified will have their five percent discount become effective with the quarter following the quarter in which such certification occurs. For example: An employer who is certified on September 20, 1996, will have his or her first discount available for the fourth quarter of 1996, to be taken in conjunction with his/her workers' compensation quarterly premium report filed on or before January 31, 1997.

The premium discount shall remain in effect as long as the employer remains certified, for a period not to exceed three years. It shall be the employer's responsibility to obtain certification for each year in which a premium discount is granted.

Retrospective rating refunds or assessments involving employers receiving the five percent drug-free workplace discount shall be based on the discounted premium.

NEW SECTION

WAC 296-17-90140 Drug-free workplace discount certification. Employers who fail to maintain certification in the program or maintain industrial insurance obligations in good standing for any part of a calendar quarter and subject to decertification, shall be liable for the premium discount payable retroactive to the beginning of that quarter. In the event of retroactive decertification, unless the decertification was caused through no fault of the employer, the employer shall remit to the department any premium discount previously received for the decertification period. Amounts payable shall be subject to the penalties and interest provided for in RCW 51.48.210.

NEW SECTION

WAC 296-17-90150 Maximum program cap for drug-free workplace discount. The aggregate amount of the premium discount, shall not exceed five million dollars in any given fiscal year. Once the "cap" is reached, qualifications and enrollment in this discount program shall be suspended until such time as the aggregate premium discount amount falls below the five million dollar threshold. The enrollment will be reopened at any point that the five million dollar threshold is not being attained.

In the event the five million dollar cap is reached and the program is suspended, the department shall establish a waiting list of employers. Employers shall be placed on the list based on date of certification.

WSR 96-13-106 PROPOSED RULES FOREST PRACTICES APPEALS BOARD

[Filed June 19, 1996, 11:42 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4) (rules amending agency hearing procedures).

Title of Rule: Forest Practices Appeals Board, rules of procedure.

Purpose: Sets forth rules governing practice and procedure for hearings conducted by the Forest Practices Appeals Board.

Statutory Authority for Adoption: RCW 76.09.230(4). Statute Being Implemented: Chapter 79.06 RCW.

Summary: Amendment of rules to conform to statutory changes and to repeal exceptions provisions.

Reasons Supporting Proposal: Makes rules consistent with recent statutory changes and to complete repeal of initial decisions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Hon. William A. Harrison, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Forest Practices Appeals Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reduces confusion by bringing the rules in conformance with statutory changes and completes repeal of initial decisions.

Proposal Changes the Following Existing Rules: Reflects statutory change that allows appeal of a notice of intent to disapprove future forest practices applications. Completes prior repeal of initial decision sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under ESHB 1010 and section 401(2) which states the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.319 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies described in ESHB 1010 and section 201 (5)(a)(i) and as these are largely reorganizational changes dictated by statute and changes for clarity, the Environmental Hearings Office is not voluntarily making section 201 (5)(a) applicable to these rules.

Hearing Location: 4224 6th Avenue S.E., Building 2, RoweSix, Lacey, WA, on August 5, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner, (360) 459-6327.

Submit Written Comments to: Hon. William A. Harrison, 4224 6th Avenue S.E., Building 2, Rowesix, Lacey, WA, FAX (360) 438-7699, by July 31, 1996.

Date of Intended Adoption: September 10, 1996.

June 18, 1996 Hon. William A. Harrison Administrative Appeals Judge AMENDATORY SECTION (Amending WSR 90-23-093, filed 11/21/90, effective 12/22/90)

WAC 223-08-085 Commencing an appeal—Types and time limits. Every proceeding before the appeals board or its chairman shall be commenced by filing with the appeals board a notice substantially in compliance with one of the forms numbered one through eleven in WAC 223-08-080. Each such original notice shall be accompanied by four copies except that failure to file said copies shall not alone impair commencement of the proceeding.

There shall be the following types of proceedings before the appeals board or its chairman, and they shall be com-

menced within the following periods of time:

(1) The department of ecology may petition the chairman of the appeals board for an order directing the department to immediately issue a stop-work order or notice to comply or to impose a penalty. This petition shall be filed at the principal office of the appeals board and the appeals board shall notify both departments of the time and place of a hearing upon the petition.

After opportunity for hearing, the chairman shall grant or deny the petition within forty-eight hours from the time of filing with the appeals board or the service of a copy of the petition upon the department, whichever is later. Such action by the chairman shall be based solely on the hearing record and argument and shall be embodied in a written order setting out the conclusions upon which it is based. The order shall be filed at the principal office of the appeals board and copies shall be served upon the parties. (See RCW 76.09.100)

- (2) The county may appeal within thirty days any department approval of an application with respect to any lands within its jurisdiction. The applicant shall be a party to all county appeals of department approvals. (See RCW 76.09.050(8))
- (3) An operator, timber owner or forest land owner subject to a stop work order (RCW 76.09.080) may commence an appeal to the appeals board within fifteen days after service upon the operator. (See RCW 76.09.080 (2)(d))
- (4) An operator, timber owner or forest landowner subject to a notice to comply (RCW 76.09.090) shall first request, within fifteen days after the date of service of such notice, a hearing thereon before the department. The final order of the department issued after such hearing may then be appealed to the appeals board within thirty days after such final order takes effect. (See RCW 76.09.090)
- (5) All persons subject to a penalty under RCW 76.09.170 may appeal such penalty to the appeals board within thirty days of receipt of notice imposing any penalty, unless an application for remission or mitigation is made to the department. When such an application is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application. (See RCW 76.09.170)
- (6) The department may appeal county objections to the appeals board within thirty days of notice to the department of such objections. The applicant shall be a party to all department appeals of county objections. (See RCW 76.09.050(7))
- (7) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek

review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. The applicant shall be a party to this proceeding. (See RCW 76.09.220(8))

- (8) See WAC 223-08-270.
- (9) See WAC 223-08-275.
- (10) Any aggrieved landowners, agencies, tribes, and other persons are entitled to appeal a final hazard reduction plan to the appeals board if, within thirty days of the issuance of the final plan, the party transmits a notice of appeal to the appeals board and to the department.
- (11) Any person provided with notice of intent to disapprove may seek review from the appeals board by filing a request for review within thirty days of the date of the notice of intent.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 223-08-235 Decision—Exceptions.

WSR 96-13-107 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)
(Public Assistance)
[Filed June 19, 1996, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-009.

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

Purpose: To editorially correct sections, clarify department's purpose and intent, to clarify task definitions, and incorporate training requirements.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030, section 5, chapter 302, Laws of 1996.

Statute Being Implemented: RCW 74.09.520, 74.39.005, 74.39A.110, 74.39A.170, section 5, chapter 302, Laws of 1996.

Summary: The amendments clarify and make editorial changes to correct WAC cross-reference citations and ensure the amended provisions reflect Department of Social and Health Services and legislative intent. WAC 388-15-196 is amended to include training requirements for in-home care providers. A new section is added to satisfy the legislature's directions in section 5, chapter 302, Laws of 1996, to establish termination procedures for in-home care providers. The new section also clarifies in-home care client responsibilities. Amendments to WAC 388-15-210 clarify the department's responsibilities in the chore program. The amendments clarify the definitions of long-term care services and expand and clarify the requirements for volunteer chore services. COPES eligibility is clarified and further defined in amendments to WAC 388-15-610. The amendments add

the term "respite care services" to several sections to clarify their applicability.

Reasons Supporting Proposal: Update rules to conform with recent changes in law and clarify existing rule language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lois Wusterbarth, Aging and Adult Services Administration, Home and Community Services Division, (360) 493-2538.

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: See Purpose, Summary, and Reasons Supporting Proposal above.

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

Summary of Rule: One of the goals of RCW 74.39.005 was to improve the quality of personal care services provided to clients. The Department of Social and Health Services (DSHS) is proposing a revision to chapter 388-15 WAC to reflect these goals. The amendments clarify and make editorial changes to correct WAC cross-reference citations and ensure the amended provisions reflect DSHS and legislative intent.

WAC 388-15-196 is amended to include training requirements for in-home care providers. A new section is added to satisfy the legislature's direction in section 5, chapter 302, Laws of 1996, to establish termination procedures for in-home care providers. The new section also clarifies in-home care client responsibilities. Amendments to WAC 388-15-219 clarify the department's responsibilities in the chore program. The amendments clarify the definitions of long-term care and expand and clarify the requirements for volunteer chore services. COPES eligibility is clarified and further defined in amendments to WAC 388-15-610. The amendments add the term "respite care services" to several sections to clarify their applicability.

Business Program Impact: The rule change which will most directly affect small businesses is WAC 388-15-196. It requires long-term care training for in-home providers. In addition to enhancing quality of service, this training will become an entry level preparatory opportunity for further education in care giving.

Home care provider agencies must ensure that their employees who perform personal care services complete the initially required basic or modified caregiver course and the ten-hour continuing education classes each year. Much of the direct cost to provider agencies such as salaries during training, will be reimbursed by the department. The agencies will absorb some of the administrative impact of staff time in training.

Business Fiscal Impact: The department will be paying for the costs related to increased training costs. AASA will directly reimburse at \$4 per hour for each hour of training provided agency employees. Additionally, for the cost of paying the trainee while they are in training, there has been, for several years, \$.12 per hour in agency rates for training.

As we are now paying directly for training, rather than take this \$.12 back, we expect the agencies to use this also for paying wages and administrative costs for staff in training.

Individual providers who complete the required courses will be reimbursed for their time training in at the same hourly rate they are paid for providing in-home services.

The department cannot and will not pay for training costs related to private pay clients. Since agencies will no doubt use the same staff for state funded and private pay clients, only training related to state clients will be reimbursed. This is accomplished through a cost allocation formula mandated by federal policy. Training for private pay clients is neither provided nor required.

Small Business Impact—Conclusion: In response to concerns of some agencies, we have extended the deadline for getting staff through this training. We have also agreed to credit some past training which some providers have received and have added a modified ten-hour option for providers meeting recognized previous training.

All home care provider agencies will have to adjust scheduling and track employee personnel records to assure compliance. We believe our proposed requirements are equitable and will not impact small businesses more than larger businesses.

A copy of the statement may be obtained by writing to Lois Wusterbarth, Program Manager, Aging and Adult Services Administration, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2538, or FAX (360) 438-8633.

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 August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 753-0625, by July 18, 1996.

Submit Written Comments to: Lois Wusterbarth, Program Manager, Aging and Adult Services Administration, Home and Community Services Division, Olympia, WA 98504-5600, FAX (360) 438-8633, phone (360) 493-2538, by July 25, 1996.

Date of Intended Adoption: August 7, 1996.

June 19, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-14 issue of the Register.

Proposed [72]

WSR 96-13-001 PERMANENT RULES DEPARTMENT OF GENERAL ADMINISTRATION

[Filed June 5, 1996, 2:10 p.m.]

Date of Adoption: June 5, 1996.

Purpose: Remove general administration's role in enforcement and clarifies Washington State Patrol's role in parking enforcement on the capitol campus.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-12-362; and amending WAC 236-12-015, 236-12-351, 236-12-360, 236-12-361, 236-12-370, and 236-12-371.

Statutory Authority for Adoption: RCW 46.08.150.

Adopted under notice filed as WSR 96-10-019 on April 23, 1996.

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 6, 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 0.

Effective Date of Rule: Thirty-one days after filing.

June 4, 1996 Marygrace Jennings Legislative Program Manager

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

WAC 236-12-015 **Definitions.** As used in this chapter, the following terms shall mean:

- (1) (("Barrel"/"barrelling" defined. A large cylindrical container that is attached to a motor vehicle in order to prevent movement of that motor vehicle.
- (2) "Campus security patrol" defined. The Washington state patrol as provided under chapter 43.43 RCW.
- (3))) "Director" defined. The director of the department of general administration.
- (((4))) (2) "Impound"/"impoundment" defined. To take and hold an unauthorized vehicle in legal custody at the direction of the director or designee, subject to the procedures outlined in this chapter and in chapter 46.55 RCW. Such definition includes towing of an unauthorized vehicle.
- (((5))) (3) "Presiding officer" defined. Pursuant to RCW 34.05.485, a "presiding officer" is an individual(s) who is appointed by the director to preside over administrative hearings and render a decision regarding the ((imposition of parking fees, barrelling of vehicles,)) suspension or revocation of parking privileges and removal, suspension, or revocation from parking waiting list under this chapter.

- (((6))) (4) "Reviewing officer" defined. Pursuant to RCW 34.05.491, a "reviewing officer" is an individual(s) who is appointed by the director to review the decisions by the presiding officer and is authorized to grant appropriate administrative relief upon review.
- (((7))) (5) "State capitol grounds" defined. Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.
- (((8))) (6) "Unauthorized vehicle defined." An "unauthorized vehicle" is a vehicle which is parked for any length of time on state capitol grounds and:
- (a) Does not display the permit required for that area; and/or
- (b) Is not otherwise authorized to park in that area; and/or
- (c) Is parked in a metered parking area for a consecutive period longer than the time permitted for parking in that area; and/or
- (d) Is parked in a metered parking area with insufficient payment to use the space it occupies; and/or
- (e) Is parked in a parking space designated for disabled individuals and such vehicle does not display a valid special license plate or placard; and/or
- (f) Is parked in a parking space reserved for use by another vehicle; and/or
 - (g) Is parked in an area not designated for parking.
- (((9))) (7) "Vehicle" defined. All mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motorcycles and motor-driven cycles.
- (((10))) (8) "Way open to the public defined." Any road, alley, lane, parking area, parking structure, path, or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.
- (((11))) (9) "Employee defined." Any person assigned to a state facility, including state employees and the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at the facility.
- (((12))) (10) "Disabled defined." Any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and 308-96A-315.
- $((\frac{(13)}{(13)}))$ (11) "Visitor defined." Any person parking at a state facility who is not employed at that facility.

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-351 Impoundment without prior notice. A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

- (1) When in the judgment of the ((eampus security)) Washington state patrol the vehicle is obstructing or may impede the flow of traffic; or
- (2) When in the judgment of the ((eampus security)) Washington state patrol the vehicle poses an immediate threat to public safety.

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

WAC 236-12-360 Parking ((fees, barrelling, and/or)) infractions and fines—Towing. Any unauthorized vehicle, as defined in this chapter, shall be ((subject to parking fees, barrelling, and/or towing, as described below:)) cited for a traffic infraction in accordance with RCW 46.08.170. Repeat offenders are those receiving more than three notices of traffic infractions within a twelve-month period. Repeat offenders are subject to towing in accordance with chapter 46.55 RCW.

(((1) For parking a	\$175 parking fee, except
motor-vehicle without	that if a person produces
a valid special license	the required special license
plate or placard in a	plate or placard within 20
parking-place reserved	days of receiving the
for physically disabled	notice, the person shall
persons shall be:	not be determined to have
persons shall be.	committed an infraction.

(2) All other unauthorized vehicles:

unauthorized vehicles:	
First occurrence	\$8.00 parking fee
Second occurrence within a 12 month period	\$8.00 parking fee
Third occurrence within a 12-month period	Vehicle barrelled with \$50.00 removal charge and payment of all outstanding parking fees.
Fourth and subsequent occurrences within a 12 month period	Vehicle may be immediately towed. Registered owner or authorized person must pay towing costs and all outstanding parking fees.))

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

WAC 236-12-361 Suspension and/or revocation of parking privileges. Repeated use of assigned parking spaces by unauthorized vehicles or for nonofficial purposes or for the storage of personal property and/or the repeated transfer of parking permits from one vehicle to another and/or being a repeat offender as defined in WAC 236-12-360 may result in the suspension or revocation of parking privileges. ((Fees for parking by unauthorized vehicles shall be paid within twenty days of notice or within ten days of final disposition of any appeals. Failure to pay within these periods)) Violations may result in suspension and/or revoca-

tion of any permits issued to the violator and/or removal, suspension, and/or revocation from the parking waiting list for parking on state capitol grounds.

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-370 Hearing rights—((Parking fees, barrelling,)) Suspension((3)) and/or revocation of parking privileges or removal, suspension, or revocation from parking waiting list. Any person or entity seeking to contest ((an assessment of parking fees, barrelling,)) suspension((7)) and/or revocation of parking privileges or removal, suspension, or revocation from parking waiting list has a right to a hearing to contest the validity of those ((fees or)) actions. Such request must be made in writing and received in the office of parking services within twenty days of the date of ((parking fee)) notice or effective date of action or such right to a hearing is forfeited. Hearing requests must be submitted to:

((Parking Enforcement))
Office of Parking Services
Department of General Administration
P.O. Box 41025
Olympia, WA 98504-1025

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

WAC 236-12-371 Hearing procedure—((Parking fees, barrelling,)) Suspension((,)) and/or revocation of parking privileges and removal, suspension, or revocation from parking waiting list. (1) Contested hearings held pursuant to WAC 236-12-370 shall be conducted as brief adjudicative proceedings according to RCW 34.05.482, 34.05.485, 34.05.488, 34.05.491 and 34.05.494.

- (2) Upon receipt of a written request for a hearing, the presiding officer shall provide the contesting party an opportunity to be informed of the agency's view of the matter and an opportunity to explain the contesting party's view of the matter.
- (3) Within ten days of this opportunity, the presiding officer shall serve upon the contesting party and the agency, a brief written statement of the reasons for the decision. Such statement shall include notice that the contesting party may request an agency administrative review of that decision. The contesting party must request such review either orally or in writing within twenty-one days of service of the written statement. Service is deemed to be completed upon deposit in the United States mail as evidenced by the postmark.
- (4) If no agency review is so requested by the contesting party, the agency may, on its own motion, review the brief written statement of the presiding officer. Action less favorable to the contesting party may not be taken by the reviewing officer without notice to that party and an opportunity to explain that party's view of the matter.
- (5) If no review is taken by the agency or by the contesting party, then the brief written statement of the presiding officer becomes the final order and no further administrative or judicial review is available.

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- (6) If review is requested, the reviewing officer shall give the contesting party and the agency an opportunity to present their respective views of the matter. Within twenty-one days of receipt of the request for review, the reviewing officer shall issue a final order which includes a brief statement of the reasons for the decision. The final order shall include notice of any judicial review available under the Administrative Procedure Act, chapter 34.05 RCW.
- (7) Any of the time limits set forth in this hearing process may be waived by the contesting party.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 236-12-362

Parking fee and barrel removal payments for unauthorized vehicles—Method of payment.

WSR 96-13-002 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3983—Filed June 6, 1996, 1:45 p.m.]

Date of Adoption: June 6, 1996.

Purpose: To reinstate the department's ability to pay for prenatal services for pregnant undocumented women.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0520 Citizenship and alien status. Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-10-012 on April 19, 1996.

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 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 1996

Philip A. Wozniak
for Merry A. Kogut, Supervisor

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3923, filed 11/22/95, effective 12/23/95)

WAC 388-505-0520 Citizenship and alien status. (1) The department shall provide Medicaid to an otherwise eligible person who is:

- (a) A citizen of the United States; or
- (b) A North American Indian born in Canada claiming fifty percent:
 - (i) Indian blood; or
- (ii) Or less Indian blood and who has maintained United States residency since before December 25, 1952.
- (c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or
- (d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or
- (e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or
- (f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.
- (2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:
 - (a) Aged, blind, or disabled; or
 - (b) Seventeen years of age or under; or
 - (c) Pregnant; or
- (d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.
- (3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five-year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.
- (4) For ((all)) any other alien((s)), when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:
- (a) <u>Full scope medical services for a pregnant woman;</u> or
- (b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005((+or
 - (b) For a pregnant woman:
- (i) Medical care and services as described under subsection (a) of this section;
 - (ii) Maternity support services;
 - (iii) Maternity case management;
- (iv) Transportation for maternity-related medical appointments; and
- (v) Interpreter services for maternity-related medical appointments)).

[3] Permanent

(5) Medical care services and children's health programs do not require citizenship/alien status.

WSR 96-13-007 PERMANENT RULES DEPARTMENT OF TRANSPORTATION

[Filed June 6, 1996, 3:44 p.m.]

Date of Adoption: June 6, 1996.

Purpose: Changes the definition of primary system to be identical with Title 23, Section 103, Subsection (t), United States Code, as amended by the 1991 Federal Intermodal Surface Transportation Efficiency Act.

Citation of Existing Rules Affected by this Order: Amending WAC 468-66-010(15), primary system.

Statutory Authority for Adoption: Chapter 47.42 RCW. Adopted under notice filed as WSR 96-10-007 on April 19. 1996.

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 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.

June 6, 1996 S. A. Moon Deputy Secretary for Operations

AMENDATORY SECTION (Amending Order 144, filed 5/27/94, effective 6/27/94)

WAC 468-66-010 Definitions. The following terms when used in this chapter shall have the following meanings:

- (1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.
- (2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.
- (3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the maintraveled way of a nondivided highway.
- (4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly

used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands:
 - (b) Transient or temporary activities;
 - (c) Railroad tracks and minor sidings;
 - (d) Signs:
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

- (5) "Commission" means the Washington state transportation commission.
- (6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.
- (7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.
- (8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the maintraveled way by such road or turning roadway.
- (10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(((d))) (e) of Title 23, United States Code.
- (11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.
- (12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be reerected in kind if destroyed due to vandalism, and other criminal or tortious acts.

- (13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.
- (14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.
- (15) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the National Highway System.
 - (16) "Scenic system" means:
- (a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;
- (b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or
- (c) Any national scenic byway, state scenic byway, or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.
- (17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the maintraveled way of the interstate system or other state highway.
- (18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.
- (19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.
- (20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.
- (21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.
- (22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).
- (23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.
- (24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of

- way to provide directional information to places of business offering for sale seasonal agricultural products.
- (25) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.
- (26) "State scenic byway" means any scenic and recreational highway established by chapter 47.39 RCW.
- (27) "Visible development" means those areas determined by the department to have development, both in type and location, that meet the requirements for unzoned commercial and industrial areas prescribed by RCW 47.42.020(9) and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features, located within the state highway right of way, that may act as visual obstructions.

WSR 96-13-008 PERMANENT RULES DEPARTMENT OF HEALTH

(Board of Physical Therapy) [Filed June 6, 1996, 4:00 p.m., effective June 7, 1996]

Date of Adoption: May 21, 1996.

Purpose: To establish a national uniform passing exam score. Currently, applicants for physical therapy licensure in Washington must meet a higher standard than those applying for licensure in other jurisdictions. Washington's existing passing score standard is based on outdated criteria and prevents qualified therapists from obtaining licensure. The newly adopted rule eliminates the need for individuals licensed in other jurisdictions to retake the national examination.

Citation of Existing Rules Affected by this Order: Amending WAC 246-915-030 Examination.

Statutory Authority for Adoption: RCW 18.74.023.

Adopted under notice filed as WSR 96-08-068 on April 3, 1996.

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 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date of this rule is necessary because national examination standards have recently changed to criterion-referenced scoring. With a state-wide shortage of physical therapists, Washington's current exam score

standard places artificial barriers to practice in the way of highly trained therapists. This effectively prevents access to health care in underserved areas in the state.

Effective Date of Rule: June 7, 1996.

May 29, 1996 Carol Neva Program Manager

AMENDATORY SECTION (Amending Order 294B, filed 8/4/92, effective 9/4/92)

WAC 246-915-030 Examination. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as reviewed and approved by the board of physical therapy. A passing score is considered to be one of the following:

(a) Beginning November 8, 1995, the criterion referenced passing point recommended by the Federation of State Boards of Physical Therapy for the examination approved by the board. The passing point shall be set to equal a scaled score of 600 based on a scale ranging from 200 to 800.

(b) Beginning February 28, 1991, through July 12, 1995, not less than sixty-eight percent of the raw score for the examination approved by the board ((beginning February 28, 1991)); or

(((b))) (c) Prior to February 28, 1991, not less than sixty percent raw score on each of the three examination parts for the examination approved by the board ((prior to February 28, 1991)).

- (2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake the examination.
- (3) Where necessary, applicant's score will be rounded off to the nearest whole number.

WSR 96-13-022 PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-437, Docket No. UG-951453-Filed June 10, 1996, 8:45 a.m.]

In the matter of amending WAC 480-93-010.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 96-03-148, filed with the code reviser on January 24, 1996. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW). The commission is authorized to promulgate these rules by RCW 80.01.040 and 80.28.210.

The commission has been certified to participate in the federal natural gas pipeline safety program under the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101ff. Certification requires that the commission gas safety regulations remain consistent with federal pipeline safety rules. An amendment to the federal rules has been made, and 49 CFR Part 192.16,

Customer-Owned Service Lines, has been added since the commission last adopted the federal rules by reference. This rule making is needed, therefore, to bring the commission's rules into consistency with federal rules. In addition to achieving compliance with federal certification requirements, the action will ease the burden on regulated entities because the state and federal requirements will be more consistent.

The commission has received no written comments. Industry representatives expressed approval of the proposal to commission staff, and no one addressed the commission at the adoption meeting.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on March 13, 1996, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad and Commissioner William R. Gillis.

This amendment to existing rules affects no economic values and has no adverse environmental effect, in that it merely implements a change required by federal law to maintain certification and bring state requirements into consistency with federal requirements.

In reviewing the entire file, the commission determines that it should amend WAC 480-93-010 as noticed, to read as set forth in Appendix A shown below, and included in it by this reference.

ORDER

THE COMMISSION ORDERS That WAC 480-93-010, as set forth in Appendix A shown below, is amended as a permanent rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.360, to be effective with the expiration of thirty days after filing in the office of the code reviser, pursuant to RCW 34.05.380(2).

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 22nd day of May, 1996.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard Hemstad, Commissioner
William R. Gillis, Commissioner

AMENDATORY SECTION (Amending Order R-427, Docket No. UG-950061, filed 6/20/95, effective 7/21/95)

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 191, 192 and 199 in effect on the effective date of this rule ((is adopted)), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 191, 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.

Permanent [6]

WSR 96-13-027 PERMANENT RULES DEPARTMENT OF HEALTH

[Filed June 11, 1996, 9:02 a.m.]

Date of Adoption: June 10, 1996.

Purpose: To bring the data set established under WAC 246-430-030 into conformance with federal guidelines.

Citation of Existing Rules Affected by this Order: Amending WAC 246-430-030.

Statutory Authority for Adoption: RCW 70.54.270.

Other Authority: RCW 43.70.040.

Adopted under notice filed as WSR 96-04-081 on February 7, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, 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 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 11, 1996

Bruce A. Miyahara Secretary

AMENDATORY SECTION (Amending Order 209, filed 12/10/91, effective 1/10/92)

WAC 246-430-030 Data collection requirements. (1) Contractors or their designees shall complete cancer abstracts for patients identified through hospitals, surgical centers, independent clinical laboratories, and outpatient radiation therapy centers;

- (2) Cancer diagnosis or treatment facilities and independent clinical laboratories shall provide contractors with access to pathology and cytology reports and all medical records pertaining to identified cancer cases;
- (3) Attending health care providers shall be responsible for completing cancer abstracts for patients diagnosed at facilities other than hospitals, surgical centers, independent clinical laboratories, and outpatient radiation therapy centers, unless the patient was hospitalized for additional cancer diagnosis or treatment services within one month of diagnosis;
- (4) Contractors, contractor designees, or attending health care providers shall include the following information items in cancer abstracts, providing the information is obtainable from the patient's medical records:
 - (a) Patient information:
 - (i) Name;
 - (ii) Address at time of diagnosis;
 - (iii) Sex;
 - (iv) Race;

(v) Hispanic origin;

(vi) Birthdate;

(((vi))) (vii) Age at time of diagnosis;

(((vii))) (viii) Tobacco use;

(((viii))) (ix) Social Security number;

 $((\frac{(ix)}{(ix)}))$ (x) State or country of birth; and

(((x))) (xi) Usual occupation.

(b) Diagnostic information:

(i) Date of admission;

(ii) Primary site or sites;

(((ii))) (iii) Histologic type or types, behavior and grade;

(((iii))) (iv) Date of each diagnosis;

(((iv))) (v) Method or methods of diagnostic confirmation;

(((v))) (vi) Stage of disease at diagnosis using:

(A) SEER system; and

(B) AJCC system if maintained by the cancer diagnostic or treatment facility.

(((vi))) (vii) Sequence; ((and))

(((vii))) (viii) Laterality; and

(ix) First course of treatment.

(c) Other information:

- (i) Name and address of cancer diagnosis or treatment facility providing information;
 - (ii) Medical record number;
- (iii) Name and address of attending health care provider; and
- (iv) Items required under contract between the National Cancer Institute's (NCI) SEER program (NCI-No. N01-CN-05230, available through the department's office of hospital and patient data) and the contractor, if the contractor is the Fred Hutchinson Cancer Research Center (FHCRC).
- (5) The department may require submission of additional information from contractors as needed to assess data reliability and validity:
- (6) Contractors shall prepare detailed data collection protocols for inclusion in the state cancer registry contract.

WSR 96-13-035 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries) [Order 96-77—Filed June 11, 1996, 4:16 p.m.]

Date of Adoption: May 30, 1996.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-021, 220-36-023, 220-40-021, and 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080. Adopted under notice filed as WSR 96-09-104 on April

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.

17, 1996.

Director

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, 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.

June 11, 1996

Bruce A. Crawford
for Robert Turner

AMENDATORY SECTION (Amending Order 95-76, filed 6/19/95, effective 7/20/95)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. From July 5 through August 15 of ((1995)) 1996, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 95-76, filed 6/19/95, effective 7/20/95)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 a.m. to 6:00 p.m. each day September 16 through September 20, ((6:00 a.m. to 6:00 p.m. September 22, 6:00 a.m. to 6:00 p.m. September 24, 6:00 a.m. to 6:00 p.m. September 26, 6:00 a.m. to 6:00 p.m. September 28, and 6:00 a.m. to 6:00 p.m.)) September 23 through September 27, and September 30, ((1995)) 1996, in SMCRA 2C.

(2) Gill net gear shall be used as provided for in WAC 220-36-015.

AMENDATORY SECTION (Amending Order 95-76, filed 6/19/95, effective 7/20/95)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15 of ((1995)) 1996, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 95-76, filed 6/19/95, effective 7/20/95)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. August 19 to 6:00 p.m. August 20, 6:00 p.m. August 22 to 6:00 p.m. August 23, 6:00 p.m. August 28 to 6:00 p.m. August 29, 6:00 p.m. September 4 to 6:00 p.m. September 5 and 6:00 p.m. September 11 to 6:00 p.m. September ((144, 1995)) 12, 1996, in SMCRA 2J, 2K, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35.

(b) 6:00 p.m. September 19 to 6:00 p.m. October 14, ((1995)) 1996, in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12 and that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2);

(c) 6:00 p.m. September ((24)) $\underline{19}$ to 6:00 p.m. September ((22)) $\underline{20}$, 6:00 p.m. September ((25)) $\underline{24}$ to 6:00 p.m. September ((26)) $\underline{25}$, 6:00 p.m. September ((28)) $\underline{26}$ to 6:00 p.m. September ((29)) $\underline{27}$, 6:00 p.m. October ((2)) $\underline{1}$ to 6:00 p.m. October ((3)) $\underline{2}$, 6:00 p.m. October ((5)) $\underline{3}$ to 6:00 p.m. October ((6)) $\underline{4}$, 6:00 p.m. October ((9)) $\underline{8}$ to 6:00 p.m. October ((10)) $\underline{9}$, and 6:00 p.m. October ((11)) $\underline{10}$ to 6:00 p.m. October ((12)) $\underline{10}$ to 6:00 p.m. October ((13), 1995)) $\underline{11}$, 1996, in SMCRA 2K, and that part of SMCRA 2J south of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2).

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear shall be used as provided in WAC 220-40-015 except that before 6:00 p.m. September 20, the maximum mesh size is 8-1/2 inches.

WSR 96-13-045 PERMANENT RULES HUMAN RIGHTS COMMISSION

[Filed June 13, 1996, 12:30 p.m.]

Date of Adoption: May 17, 1996.

Purpose: To implement and administer the state law against discrimination in real estate transactions (RCW 49.60.222 through 49.60.225) and to ensure that the state fair housing laws are substantially equivalent with the federal Fair Housing Act Amendments of 1988 for purposes of 42 USC Section 3610(f).

Citation of Existing Rules Affected by this Order: Repealing WAC 162-38-020 and 162-38-030; and amending chapter 162-08 WAC, Practice and procedure, WAC 162-08-061 (1) and (2), 162-08-062 (1), (2), (3) and (4), 162-08-071 (1), (5) and (6), 162-08-072, 162-08-093, 162-08-094 (1) and (2), 162-08-099(3), 162-08-102, 162-08-104 (1) and (2), 162-

08-106, 162-08-261, 162-08-268 (1), (2) and (3), 162-08-298 (4)(m) and (n), (5), (6) and (9), and 162-08-305.

Chapter 162-36 WAC, Real estate transactions, WAC 162-36-010 (1), (2) and (3), and 162-36-020.

Chapter 162-38 WAC, Real estate transactions—Disability, WAC 162-38-010 (1), (2), (3) and (4), 162-38-035, 162-38-040 (1)-(2) and (3), 162-38-050 (1), (2), (4) and (5), 162-38-060 (1) and (2), 162-38-070 (1)(a)-(e), (2), (4)(a), (b) and (d), (5) and (6), 162-38-080 (1)-(3), (2)(b) and (c), 162-38-090, 162-38-100 (1)-(3), (4), (6) and (7), 162-38-110, and 162-38-120.

Statutory Authority for Adoption: RCW 49.60.120(3), 49.60.240.

Adopted under notice filed as WSR 96-06-087 on March 6, 1996.

Changes Other than Editing from Proposed to Adopted Version: Explanatory statement regarding adoption of permanent rules chapters 162-08, 162-36, and 162-38 WAC.

Pursuant to RCW 34.05.325, the Washington State Human Rights Commission ("commission") hereby provides the following explanatory statement for its adoption, amendment and/or repeal of permanent rules in chapters 162-08, 162-36, and 162-38 WAC.

1. Reason for Adoption of Rules.

The commission proposed certain changes to the regulations governing the enforcement of the state's fair housing laws and the investigation, processing and disposition of housing discrimination complaints filed with the commission to (1) ensure substantial equivalency of the state fair housing laws with the federal fair housing laws by the end of June 1996, necessary for the commission's continued participation in the federally-funded fair housing assistance program (FHAP); (2) update the regulations to reflect amendments to the Washington Law Against Discrimination made in 1993 and 1995; and (3) correct typographical and grammatical errors and/or clarify the meaning of existing rules without changing the substance of those rules.

2. Differences Between Proposed Rules and Adopted Rules.

The commission voted to adopt the rules as proposed with only two exceptions:

- (A) The term "person with mental disabilities" has been substituted for the term "mentally handicapped person" in WAC 162-38-080 (3)(e). The proposed regulations substitute the word "disabled" for "handicapped" throughout. The failure to propose this substitution in this particular section was simply an oversight brought to the commission's attention through the public comments on the proposed rules.
- (B) The proposed changes to WAC 162-38-100 (addressing guide dogs and other disability accommodation issues) have been withdrawn for further study and consideration in response to public comments on the proposed changes to the rule. Nearly half of all written comments received by the commission concerned proposed WAC 162-38-100, several of these comments raising issues on the consistency between the proposed section and the Americans With Disabilities Act, as well as the certification or accreditation of guide dogs or service dogs. In light of these comments, the commission has withdrawn the proposed

changes to WAC 162-38-100 to allow a more thorough consideration of these issues.

3. Summary of Comments Received and Commission Response.

Written Comments

A total of five organizations submitted written comments on the proposed amendments to the housing regulations: The Coalition of Responsible Disabled (CRD); Washington Coalition of Citizens with Disabilities (WCCD); Northwest Fair Housing Alliance (NWFHA); the Fair Housing Center of South Puget Sound (FHC); and the city of Seattle Human Rights Department (SHRD). The comments are summarized below by section with the abbreviated name of the organization providing the comments noted.

WAC 162-08-061

COMMENT: Opposes the addition of the language "The commission was not designed to compete with the courts as a forum for the vindication of private rights" and "The commission's primary objective is to eliminate and prevent discrimination, which may or may not be consistent with the goals or objectives of a particular complainant or aggrieved person." Historically, the administrative process offered by FHAP agencies like the commission has assured that lowincome persons or those individuals living in areas where legal services are not readily available can obtain redress without resorting to litigation. The proposed language "... strongly suggests that the administrative process offered by the commission will not be a forum in which complainants can seek damages for actual costs incurred or humiliation and distress experiences due to discriminatory housing practices." (NWFHA).

COMMISSION RESPONSE: The commission does not read the proposed amendment to this section to limit or alter the complainant's rights or remedies provided under existing law. Rather, the amended rule provides a clearer and more detailed description of those rights and remedies.

WAC 162-36-001(3)

COMMENT: Proposes promulgation of a state-wide occupancy standard of two persons per bedroom plus one for purposes of disparate impact analysis for familial status claims. (FHC).

COMMISSION RESPONSE: Promulgation of the suggested occupancy standard is beyond the scope of the rule-making procedure at issue and is not pertinent to any of the adopted regulations, although the commission may study the proposal further at a future time.

WAC 162-36-005

COMMENT: Urges adoption of a defined standard for establishing discrimination claims based on disparate impact theory. The standard should (1) compel respondents to demonstrate compelling business necessity and absence of other reasonable means for meeting that necessity and (2) permit complainants to demonstrate discriminatory impact without utilizing statistical evidence. (FHC).

COMMISSION RESPONSE: Promulgation of the suggested standard is beyond the scope of the rule-making procedure at issue and is not pertinent to any of the adopted regulations, although the commission may study the proposal further at a future time.

COMMENT: Urges adoption of a provision defining refusal to engage in a real estate transaction on the basis of specific sources of income (public assistance benefits, Section 8 vouchers, V.A. benefits, child support, alimony and/or palimony) as unlawful discrimination per se. The addition of such a provision would be justified under a disparate impact theory, predicated upon finding that such practices have a discriminatory impact on families with children, women, persons with disabilities, and persons of color. (FHC).

COMMISSION RESPONSE: Establishment of a new protected class is beyond the scope of the rule-making procedure at issue and is more appropriately addressed through the legislative process.

COMMENT: Add age as a protected class under Washington fair housing law. (FHC).

COMMISSION RESPONSE: Establishment of a new protected class is beyond the scope of the rule-making procedure at issue and is more appropriately addressed through the legislative process.

COMMENT: Require rental housing providers to give a written statement of the reasons for all twenty-day termination of tenancy notices and/or to authorize a suspension of twenty-day termination of tenancy and/or subsequent eviction proceedings upon commission request. (FHC).

COMMISSION RESPONSE: The proposed provisions are beyond the scope of the rule-making procedure at issue and are more appropriately addressed through the legislative process. In addition, RCW 49.60.350 already provides the commission with authority to seek emergency injunctive relief from the courts in appropriate eviction and/or termination of tenancy proceedings.

WAC 162-36-005 (1)(b)

COMMENT: Provide further guidance on the meaning of "discriminatory terms, conditions, privileges, facilities and services," particularly as they pertain to families with children. (FHC).

COMMISSION RESPONSE: Revision of the adopted regulations to provide guidance requested is beyond the scope of the rule-making procedure at issue and is not pertinent to any of the adopted regulations, although the commission may study the proposal further at a future time. In addition, guidance on the meaning of these terms is already provided to some extent through case-by-case adjudication of these issues in federal and state courts.

WAC 162-38-050(2)

COMMENT: Change definition of disability to that of the Americans With Disabilities Act (ADA). (CRD).

COMMISSION RESPONSE: The substantial narrowing of the existing definition of disability under state law as suggested is beyond the scope of the rule-making procedure at issue and is not pertinent to any of the adopted regulations. In addition, the commission is currently studying the question of whether the existing definition of disability should be revised in a separate rule-making proceeding.

WAC 162-38-070 (1)(c)

Permanent

COMMENT: Define accessibility standards to expressly include (1) offices utilized in the accomplishment of real estate transactions; and (2) community facilities that comprise a real estate facility. (FHC).

COMMISSION RESPONSE: The suggested definitions would appear to expand the scope of existing state law and/or the commission's jurisdiction, which is beyond the scope of the rule-making procedure at issue and is not pertinent to any of the adopted regulations. In addition, the suggested changes are more appropriately addressed through the legislative process.

WAC 162-38-070 (1)(d)

COMMENT: Include reference to 45 CFR 84.22 (existing facilities) and 45 CFR 84.23 (new construction). (WCCD).

COMMISSION RESPONSE: The cross-references suggested are already provided in the adopted rules and are not necessary for substantial equivalency.

WAC 162-38-070 (1)(e)

COMMENT: Amend to refer to 42 U.S.C. 4151 (Architecture Barriers Act of 1968 in the U.S.C.A. Popular Names Tables). (WCCD).

COMMISSION RESPONSE: The cross-reference suggested is already provided in the adopted rules, but the citation has been corrected.

WAC 162-38-080

COMMENT: Add language making housing providers responsible for the cost of providing reasonable accommodation. (FHC).

COMMISSION RESPONSE: This proposal is inconsistent with current federal and state fair housing laws; is beyond the scope of the rule-making procedure at issue; and is more appropriately addressed through the legislative process.

WAC 162-38-080 (3)(e)

COMMENT: Substitute "person with mental disabilities" for "mentally handicapped person." (WCCD).

COMMISSION RESPONSE: The adopted regulations have been revised to make the proposed substitution in language.

WAC 162-38-080 (2)(b)

COMMENT: Requests that the language "where it is reasonable to do so" found in RCW 40.60.222(2) and similar language in the Federal Fair Housing Act, be included in (2)(b) of this section, which states that a tenant with a disability who has made modifications to rental property must agree to "restore the interior of the dwelling to the condition that existing [existed] before the modification, reasonable wear and tear excepted." (NWFHA; FHC).

COMMISSION RESPONSE: Incorporation of the requested language in the adopted regulation is unnecessary because it is already contained in RCW 49.60.222(2) and is not in conflict with the present language of the adopted provision.

WAC 162-38-100

COMMENTS - GENERAL: The commission received the following comments regarding proposed regulation WAC 162-38-100. In response to these comments, the commission has withdrawn proposed WAC 162-38-100 in its entirety for further study and consideration. Withdrawal of the proposed section should not adversely affect the commission's efforts to establish substantial equivalency.

COMMENTS - SPECIFIC: WAC 162-38-100(4), the provision stating that it is not an unfair practice for a landlord to require a standard cleaning or damage deposit from a disabled tenant if it is required of nondisabled tenants, does not recognize the distinction between service

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dog and a pet. A service dog is like specialized equipment that allows the disabled person to function independently. The disabled person, unlike the pet owner, does not have a choice about the ownership of the dog and should not be required to pay what is commonly known as a "pet deposit" (as opposed to a "damage deposit" paid by all tenants regardless of whether they have pets). (NWFHA; FHC).

This regulation does not address deposit requirements in housing where pets are not normally allowed but a service dog is permitted. In these circumstances, the landlord should not be permitted to charge the disabled individual a pet deposit for the dog. (NWFHA; FHC).

WAC 162-38-100 (5) and (6), amend this section to state that guide and service dogs "include but are not limited to" those animals described in RCW 70.84.020. They have no knowledge of any official body which accredits schools for guide dogs or service dogs. They believe the proposed amendments would extend real protection to only those people using service dogs which are trained at a state institution of higher education. (WCCD; FHC).

Opposes the more restrictive definition of guide and service dogs. The current HUD and EEOC approach do not require certification and training from an accredited school as proposed in this section. Suggests that this issue be researched with the goal of developing a definition which can be uniformly applied in all areas of the law pertaining to persons with disabilities. The department offers their help in developing such a definition. (SHRD).

The certification of guide and service dogs would create additional barriers not only in acquiring the animal, but also when using the animal as the certificate would have to be shown at every place visited. It will also be difficult to establish baselines of certification for each of the different criteria for animals. (CRD).

The proposed regulation appears to be trying to address the behavior of an animal in public and provide an easy way for the public to recognize the animal as a service animal. This is problematic because (1) certification does not ensure appropriate behavior of the animal in public; and (2) a certified animal being used by someone who has not been trained in proper discipline procedures for the animal can cause the animal's discipline to digress significantly in a matter of a few months. The issue might not be certification, but expected appropriate behavior of a service animal in public. If the animal is not compliant, it can be asked to be brought under control, and failing that, removed from the premises. Hold the person using the animal responsible for its behavior. (CRD).

Suggested that service animals be required to wear a harness that easily identifies it as a service animal. (CRD).

Creating an accreditation process tied to higher education can limit the availability of service animals and takes away from the individual that can do their own training. (CRD).

Opposes the limited definition of service dog on the basis that (1) many service dogs are trained by individuals who own them, often with the assistance of another experienced person; and (2) there are few, if any, institutions with accredited training programs in the state. Suggests that is [it] would be more appropriate to require the verification of the need of a person with disabilities for the dog and the type of service it provides. (CRD; NWFHA; SHRD).

Urges expansion of the current definition of guide dog to include nonguide dog assistance animals. (FHC).

COMMISSION RESPONSE: Proposed WAC 162-38-100 has been withdrawn in its entirety for further study and consideration.

Hearing Testimony

COMMENTS: Only two witnesses testified at the public hearing on the regulations at issue. A summary of that testimony is shown below. In essence, however, both witnesses advocated adding source of income to the law against discrimination as a protected class.

COMMISSION RESPONSE: Establishment of a new protected class is beyond the scope of the rule-making procedure at issue and is more appropriately addressed through the legislative process.

SUMMARY OF TESTIMONY BEFORE THE WASHINGTON STATE HUMAN RIGHTS COMMISSION ON PROPOSED AMENDMENTS TO THE HOUSING REGULATIONS APRIL 10, 1996

Two individuals testified before the commission, one representing low-income housing and the other a former public official from a local municipality. Although the proposed housing regulations do not address the addition of source of income as a protected class under the state fair housing laws, both of these individuals testified to urge amendment of current state law to prohibit discrimination on the basis of source of income. Both stated that many people are currently being discriminated against by landlords who are refusing to consider or accept certain income, such as Section 8 vouchers and AFDC checks as viable sources of income. The resulting effect of such policies or practices by the landlords is that these low income people have difficulty in obtaining housing and often become homeless.

The former public official (city of Bellevue councilmember) testified that she drafted and helped pass an antidiscrimination ordinance for the city of Bellevue Municipal Ordinance prohibiting discrimination on the basis of HUD Section 8 vouchers as a source of income. Since its passage in 1990, the largest number of complaints in the housing arena under the Bellevue fair housing law have involved Section 8 issues. This former councilmember's experience has been that as a result of the new ordinance and the city's enforcement officials, landlords have modified their policies and allowed people to obtain housing with Section 8 income assistance. She also testified that the mere knowledge of such an ordinance had modified the behavior of landlords in this area.

Additionally, the individual from the Low-Income Housing Institute provided the names of twelve states that have source of income as a protected basis under those state's laws against discrimination.

Number of Sections Adopted in Order to Comply with Federal Statute: New 4, amended 10, repealed 0; Federal Rules or Standards: New 4, amended 11, repealed 0; or Recently Enacted State Statutes: New 4, amended 22, 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 5, amended 24, repealed 2.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 16, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 5, amended 24, repealed 2; 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.

June 12, 1996

Merritt D. Long

Executive Director

TEXT OF FINAL REGULATIONS AS ADOPTED BY THE WASHINGTON STATE HUMAN RIGHTS COMMISSION ON MAY 17, 1996

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-061 Relationship of commission to complainant. (1) Commission's role and objectives. In investigating cases the commission seeks to ascertain the facts in order to make an impartial finding of "reasonable cause" or "no reasonable cause." It has no predisposition in favor of either complainants or respondents. If "reasonable cause" is found, then the objective of the commission is to obtain the remedy that will best eliminate the unfair practices and prevent their recurrence. The judgment as to what will eliminate an unfair practice for purposes of reaching an agreement under RCW 49.60.240 is made initially by the executive director, or other staff persons pursuant to the executive director's direction, and ultimately by the commissioners. The judgment as to what will eliminate an unfair practice and carry out the purposes of the human rights law after hearing under RCW 49.60.250 is made by the administrative law judge. The commission was not designed to compete with the courts as a forum for the vindication of private rights; its task is to work for the public good of eliminating and preventing discrimination. Although the facts and circumstances giving rise to a claim of discrimination may sometimes give rise to other claims based upon other statutes or principles of common law, the commission will investigate only claims of unfair practices arising under chapter 49.60 RCW et seq. The law against discrimination expressly preserves the right of complainants and/or aggrieved parties to seek other civil or criminal remedies in court or other available forums, either simultaneously with a complaint filed with the commission or in lieu of such a complaint, subject to any limitations or conditions provided in WAC 162-08-062 or elsewhere.

(2) Independence from complainant. ((A court confines its judgment to the parties before it, and it seeks to resolve in a single action the entire dispute between them. The commission was not designed to compete with the courts as a forum for the vindication of private rights; its task is to work for the public good of eliminating and preventing discrimination. If the commission were obligated to dispose of every contention between a complainant and respondent arising out of the alleged discrimination, then its resources would be diverted from this central task. RCW 49.60.020 preserves the civil and criminal remedies of a person who has filed a complaint under the law against discrimination, and RCW 49.60.030 authorizes suits directly

in court, in order to free the commission to work for the remedy-best-designed to-eliminate and prevent discrimination.)) The commission's primary objective is to eliminate and prevent discrimination, which may or may not be consistent with the goals or objectives of a particular complainant or aggrieved person. In negotiating a settlement or seeking an order, the commission generally works for provisions restoring the complainant as nearly as possible to the position he or she would be in if he or she had not been discriminated against, because this is usually an effective way to eliminate the discrimination and prevent its recurrence. But where, in the commission's judgment, provisions fully restoring the complainant (for instance, reinstatement to the job with back pay) would be inadequate to eliminate a pattern of discrimination, the commission will hold out for additional terms, even though the respondent is willing to settle on the basis of full relief for the complainant only. ((In different eircumstances)) Except as may be otherwise provided for complaints alleging unfair practices in real estate transactions, the commission may determine that discrimination will be effectively eliminated and prevented by an order that does not afford the complainant every item of relief to which he or she may have a legal claim. The commission assumes that persons who complain to it are as interested in the elimination and prevention of discrimination in general as in their individual cases. If a person is interested only in relief for himself or herself, he or she is advised to seek his or her remedy directly in court pursuant to RCW 49.60.020, 49.60.030 and/or WAC 162-08-062. ((In any event, a person who is dissatisfied with the commission's disposition of his or her complaint may still assert in court any outstanding personal claims which he or she-may-have against the respondent.))

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-062 Concurrent remedies—Other remedies. (((1) Other remedies.)) Except as otherwise provided by RCW 49.60.340, the law against discrimination preserves ((other remedies (RCW 49.60.020) and provides for lawsuits in court (RCW 49.60.030(2)) in addition to an administrative remedy. A person may simultaneously sue in state court, file a complaint with the commission, pursue federal remedies, and sometimes proceed under a local ordinance. Persons should be aware, however, that general rules of law prevent recovering more than once for the same item of injury and sometimes bind a litigant to the result of the first case that is determined, whatever its outcome.

(2))) the right of a complainant or aggrieved person to simultaneously pursue other available civil or criminal remedies for an alleged violation of the law in addition to, or in lieu of, filing an administrative complaint of discrimination with the commission, with the following limitations:

(1) Abeyance—Real estate transactions. ((Real estate transactions complaints)) A complaint of an unfair practice in a real estate transaction filed concurrently with the commission and another federal, state or local instrumentality with whom the commission has entered into a cooperative agreement under the terms of RCW 49.60.226 or other provision of law will be held in abeyance during the pendency of ((a federal)) the other proceeding unless the ((federal))

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other proceeding has been deferred pending state action((, as is provided by RCW 49.60.226)) under the terms of the cooperative agreement.

- (((3))) (2) Abeyance—General rule. A complaint of an unfair practice other than in real estate transactions will be held in abeyance during the pendency of a case in federal or state court litigating the same claim, whether under the law against discrimination or a similar law, unless the executive director or the commissioners direct that the complaint continue to be processed. A complaint of an unfair practice other than in real estate transactions will not be held in abeyance during pendency of a federal, state, or local administrative proceeding, unless the executive director or commissioners determine that it should be held in abeyance.
- (3) No complainant or aggrieved person may secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.
- (4) Where the complainant or aggrieved person elects to pursue simultaneous claims in more than one forum, the factual and legal determinations issued by the first tribunal to rule on the claims may, in some circumstances, be binding on all or portions of the claims pending before other tribunals.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

- WAC 162-08-071 Complaints by aggrieved persons. (1) Scope of section. This section applies to complaints by persons claiming to be aggrieved by an alleged unfair practice filed under RCW 49.60.230 (1)(a), ((and)) to complaints by employers or principals filed under RCW 49.60.230(((3))) (1)(c), and to complaints by "aggrieved persons" under RCW 49.60.040(15). Complaints issued by the commission are covered by WAC 162-08-072.
- (2) **Signature and oath.** A complaint shall be in writing, signed by the complainant or the complainant's lawyer, and sworn to before a notary public or other person authorized by law to administer oaths, or subscribed and signed under the following declaration: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct." Notarial service for this purpose is available without charge at all offices of the commission.
 - (3) Contents. A complaint shall contain the following:
 - (a) The name of the person making the complaint;
- (b) The name, address and telephone number, if any, of the person against whom the complaint is made, if known to the complainant;
 - (c) A specific charge of an unfair practice(s);
- (d) A clear and concise statement of the facts which constitute the alleged unfair practice(s);
- (e) The date or dates of the alleged unfair practice(s), and if the alleged unfair practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred.
- (4) Forms. Printed complaint forms are available at all commission offices.
- (5) Time for filing. For claims alleging an unfair practice in a real estate transaction under RCW 49.60.222 through 49.60.225, the complaint must be filed with the

- commission not later than one year after the alleged unfair practice occurred or was terminated. In all other unfair practice claims, the complaint must be filed within six months after the date of occurrence of the alleged unfair practice(s). RCW 49.60.230. If the alleged unfair practice is of a continuing nature, the date of the occurrence of the unfair practice shall be deemed to be any date subsequent to the commencement of the alleged unfair act up to and including the date when the alleged unfair practice stopped.
- (6) Computation of time. The one-year period for filing a complaint alleging an unfair practice in a real estate transaction expires at 5:00 p.m. on the day before the corresponding day of the year following the event. The sixmonth period for filing a complaint alleging any other unfair practice expires at 5:00 p.m. on the day before the corresponding day of the sixth month following the event. If ((this day)) the last day of the filing period is a Saturday, Sunday, or ((a)) legal holiday, the time expires at 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. For example, a complaint of an event occurring on 5 January would ordinarily have to be filed by 5:00 p.m. on 4 July, but since 4 July is a legal holiday, the time for filing the complaint would expire at 5:00 p.m. on 5 July, or at 5:00 p.m. Monday, if 5 July comes on a Saturday or Sunday.
- (7) **Technical defects.** A complaint shall not be considered defective if the defect is technical and can be corrected by subsequent amendment. The statutory requirements set forth in RCW 49.60.230, including the requirement of a signature under oath, are jurisdictional and failure to comply cannot be corrected by subsequent amendment.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

- WAC 162-08-072 Complaints issued by commission. (1) Who may initiate. Complaints issued by the commission under RCW $49.60.230((\frac{2}{2})))$ (1)(b) may be initiated by the commissioners or by the executive director personally.
- (2) By commissioners. Initiation of a complaint by the commissioners shall be by motion at a meeting. The executive director shall transcribe a carried motion from the minutes onto a paper designated "complaint," attest it with a signature, and process it.
- (3) By executive director. The executive director may initiate a commission complaint by personally signing a document saying that the commission has reason to believe that the person shown as respondent has been engaged or is engaged in an unfair practice, identifying the nature of the unfair practice, and the facts on which it is based. The executive director shall notify each commissioner in advance of issuing a complaint, or if advance notice is not possible because of an emergency, or because a commissioner cannot be reached, or for other reason, the executive director shall give the notice as soon after issuing the complaint as possible. Any commissioner may have placed on the agenda of the next commission meeting the question of whether the complaint shall stand. If this is done, the commissioners shall vote to sustain or rescind the complaint, after such debate and deliberation as is appropriate, but without taking testimony, or hearing arguments or reports from anyone but commissioners and staff, except as the commission by vote may direct.

(4) Basis for commission complaint. A commission complaint may be issued when the commission "has reason to believe that any person has been engaged in an unfair practice." RCW 49.60.230(2). The basis of belief for a complaint is different from the basis for a finding under RCW 49.60.240 of "reasonable cause for believing that an unfair practice has been or is being committed." The finding of reasonable cause or not is based on the commission's own investigation and ascertainment of facts after receipt of a complaint. The basis of belief for the purpose of initiating a commission complaint is information from any source sufficient, in the judgment of the commission, to justify an investigation and finding of whether or not there is reasonable cause for believing that an unfair practice has been or is being committed.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-093 ((Reference)) Referral to staff. Unless the chairperson of the commission directs otherwise for a particular complaint, all complaints shall be investigated by the section of the staff designated for that purpose by the executive director, and the executive director shall have full power to assign and reassign cases for investigation by particular staff persons, and to assign and reassign staff persons to the section of the staff that investigates complaints, on a full_time or part_time basis.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-094 Investigation. (1) Copy of complaint to respondent. Except as may be provided for complaints alleging an unfair practice in a real estate transaction, within a reasonably prompt time after a complaint is filed the staff shall furnish a copy of the complaint to the respondent and shall afford the respondent an opportunity to reply in writing. No error or omission in carrying out this step shall affect the validity of the complaint or prevent further processing of it.

- (2) Preliminary evaluation of complaint. ((If)) Whenever the allegations of the complaint, if true, show no basis for commission action, then the staff without further investigation may enter a finding of no reasonable cause or write a recommendation for a finding of no jurisdiction, or other appropriate disposition.
- (3) Scope of investigation. The investigation is limited to ascertaining the facts concerning the unfair practice(s) alleged in the complaint. RCW 49.60.240.

NEW SECTION

WAC 162-08-09401 Real estate transactions— Procedures. (1) Upon the filing of a complaint alleging an unfair practice in a real estate transaction, the commission shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under RCW 49.60.230 and 49.60.2235.

(2) The staff shall, not later than ten days after such filing or the identification of an additional respondent under this subsection, serve on the respondent(s) a notice identify-

ing the alleged unfair practice and advising such respondent of the procedural rights and obligations of respondents under this chapter, together with a copy of the complaint.

- (a) A person who is not named as a respondent in the course of investigation may be joined as an additional or substitute respondent upon written notice in accordance with subsection (2) of this section.
- (b) In addition to meeting the requirements of subsection (2) of this section, such notice shall state the basis for the commission's belief that the person to whom the notice is addressed is properly joined as a respondent.
- (3) Each respondent may file an answer to a complaint not later than ten days after receipt of notice from the commission.
- (4) Subsequent to the filing of a complaint alleging an unfair practice in a real estate transaction under RCW 49.60.222 through 49.60.225, the commission shall commence proceeding with respect to the complaint within thirty days after receipt of the complaint.
- (5) The commission shall complete its investigation of an allegation of an unfair practice in a real estate transaction within one hundred days of filing a duly prepared and signed complaint with the commission, unless it is impracticable to do so.
- (6) If the commission is unable to complete the investigation of the complaint within one hundred days of filing, commission staff will advise the parties in writing of the reasons for not completing the investigation in the time allotted.
- (7) The commission shall make final administrative disposition of a complaint alleging an unfair practice in a real estate transaction within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the commission is unable to do so, it shall notify the parties in writing of the reasons therefor.
- (8) The commission may also investigate unfair practices in a real estate transaction to determine whether a complaint should be brought by the commission itself pursuant to RCW 49.60.230 (1)(b).

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-099 Termination of a case without findings of fact. (1) Authorized. The commission in appropriate circumstances may terminate its action on a case without making findings of fact pursuant to RCW 49.60.240. This section provides procedures in some of the circumstances.

- (2) Withdrawal of complaint. No findings or other procedures in RCW 49.60.240 and 49.60.250 are necessary when the complainant has requested withdrawal of the complaint and the commissioners have consented to the withdrawal pursuant to WAC 162-08-091.
- (3) Settled before finding. ((A case)) Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, a complaint may be settled before findings of fact are made, when the commission's staff and a respondent have entered into a written settlement agreement (prefinding settlement). Prefinding settlement agreements shall be presented to the commissioners. The commissioners, if they approve, shall

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enter an order setting forth the terms of the agreement, using the same procedure as if the agreement were presented to the commissioners under RCW 49.60.240 and WAC 162-08-106 after findings of fact. A prefinding settlement is not binding on the commission until the commissioners vote to accept it and issue their order.

(4) Administrative closure. A case may be administratively closed by vote of the commissioners when the complaint has been resolved informally, or has been adjudicated in another forum, or has become moot, or cannot be investigated because the complainant or respondent cannot be found, or when other circumstances justify administrative closure. Administrative closure is an official termination of work on a complaint prior to completion of the entire statutory process, letting the complaint lie in its present posture. A case that has been administratively closed can be administratively reopened by vote of the commissioners.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-08-102 Objective of conciliation. The commission's staff in its endeavors to eliminate an unfair practice by conference, conciliation and persuasion under RCW 49.60.250 shall be guided by the purposes of the law against discrimination and by the policies and objectives of the commission, particularly as expressed in WAC 162-08-061, 162-08-062 and 162-08-298. Elimination of an unfair practice includes elimination of the effects of the unfair practice, as well as assurance of the discontinuance of the unfair practice.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-08-104 Conciliation negotiations. (1) Endeavors of staff. ((The task of staff)) Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, the task of the commission is to endeavor to eliminate the unfair practice through agreement with the respondent. The extent of effort to be expended toward this end will depend on the likelihood that agreement on mutually acceptable terms can be reached. If, for example, it is apparent from an exchange of letters that agreement cannot be reached, it is not necessary to hold a conference. If a respondent has been afforded a reasonable opportunity to negotiate, ((the staff endeavor)) that is sufficient to satisfy the statutory requirements pertaining to conciliation of a complaint brought under chapter 49.60 RCW and this chapter.

(2) Reopening conciliation. The making and service of a finding that no agreement can be reached does not preclude renewing negotiations or reaching an agreement at a later time. The finding that no agreement can be reached is not affected by a renewal of negotiations, but it ((is)) may be superseded by ((an)) any subsequent agreement ((that is thereafter reached)) which resolves the unfair practices at issue in the complaint filed with the commission.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-106 Approval of agreements. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, an agreement reached between the commission's staff and a respondent under RCW 49.60.240 shall be reduced to writing, signed by the respondent and a member of the commission's staff, and presented to the commissioners at a meeting. The agreement is not binding on the commission until the commissioners vote to accept it.

NEW SECTION

WAC 162-08-107 Real estate transactions—Conciliation. During the period beginning with the filing of a complaint of an unfair practice in a real estate transaction and ending with the filing of a charge or a dismissal by the commission, the commission shall, to the extent feasible, engage in conciliation with respect to the complaint.

- (1) An agreement arising out of conciliation efforts under this section shall be an agreement between the respondent and the complainant, and shall be subject to approval by the commission.
- (2) Each conciliation agreement shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure is not necessary to further the purposes of chapter 49.60 RCW.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-261 Complainant's participation. (1) Notice of independent appearance. A complainant or aggrieved person under RCW 49.60.040(15) who desires to submit testimony or otherwise participate in the hearing as a party and not to leave the case in support of the complaint to be presented solely by counsel for the commission, must serve and file a notice of independent appearance within ten days after the notice of hearing is served on that complainant. The notice shall state the address where notices to the complainant shall be sent and it shall state whether the complainant elects to prove additional charges as provided in ((paragraph)) subsection (2) of this ((rule)) section.

(2) Election to prove additional charges. A complainant or aggrieved person under RCW 49.60.040(15) who has filed a notice of independent appearance stating an intention to prove additional charges in accordance with RCW 49.60.250(2), may at the hearing offer proof of averments included in the original complaint or in amendments to the original complaint made by the complainant, whether or not the averments are included in the amended complaint under which counsel for the commission is proceeding. For purposes of this section, the complainant may amend the original complaint without regard to intervening amendments made by the commission. The complainant may serve and file an amended complaint with a notice of independent appearance, or thereafter as provided by these rules. If no amended complaint is served with a notice of independent appearance that states an intention to prove additional charges, the clerk shall promptly place the original complaint in the file for the administrative law judge. Nothing done by

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the complainant under this rule shall place any duty on counsel for the commission to seek to prove matters not averred in the amended complaint accompanying the notice of hearing, or subsequent amendments by the commission.

- (3) Appearance without election. If the complainant or aggrieved person under RCW 49.60.040(15) files a notice of independent appearance which does not state that he or she elects to prove additional charges, then the complainant's participation in the hearing shall be confined to the matters raised by the amended complaint filed with the notice of hearing, and subsequent amendments made by the commission.
- (4) When no independent appearance. If the complainant or aggrieved person under RCW 49.60.040(15) does not file a notice of independent appearance as provided by this rule, the case in support of the complaint shall be presented solely by counsel for the commission.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-268 Voluntary dismissal. (1) Prior to day of hearing. ((Prior to)) Except as may be provided for cases alleging unfair practices in real estate transactions, on the day when the hearing of a case commences the commission or any other party on the side supporting the complaint may voluntarily dismiss the party's case or a claim by serving and filing a written notice of dismissal.

- (2) After hearing commenced. Except as may be provided for cases alleging unfair practices in real estate transactions, after a hearing has commenced the commission or any other party on the side supporting the complaint may move for voluntary dismissal of the party's case or a claim. A motion that is made before the party rests at the conclusion of its opening case shall be granted as a matter of right. A motion made after that time may be granted if good cause is shown, and the grant may be subject to such terms and conditions as the administrative law judge deems proper.
- (3) Effect of dismissal. A voluntary dismissal concludes the administrative proceeding as to the dismissed party or claim, but is not an adjudication of the merits of the issues before the administrative law judge (that is, the merits may still be adjudicated in another forum if the party has a right to sue in another forum and timely files such claim with the other forum). A voluntary dismissal of one claim does not extinguish any other claim, and a voluntary dismissal by one party does not dismiss any other party. If the commission takes a voluntary dismissal of the case in support of the complaint the entire case is closed, unless the complainant has appeared independently under WAC 162-08-261 or another person has intervened as a party on the side of the complaint pursuant to WAC 162-08-288(4), in which circumstance the hearing shall proceed with the remaining parties.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-288 Parties. (1) Who are parties. The parties to the hearing shall be the commission, through its counsel presenting the case in support of the complaint, a complainant or aggrieved person under RCW 49.60.040(15) who has filed a notice of independent appearance under

- WAC 162-08-261, the respondent or respondents named in the notice of hearing or an amended notice of hearing, and ((a)) any other person who moves to intervene and is permitted to do so by order of the administrative law judge.
- (2) Adding parties. Any party may move to join an additional party or parties. The motion must be directed to the administrative law judge. If the motion is granted, the administrative law judge shall cause to be issued an amended notice of hearing showing the addition of the party or parties and making such other provisions as are appropriate for an orderly hearing.
- (3) Substituting parties. If death, incompetency, transfer of interest, or other occurrence should make the substitution of parties necessary or desirable, the administrative law judge may make the substitution by order. The administrative law judge may act on his or her own motion, or on motion of a party or of the person asking to be substituted for a party.
- (4) Intervention. A person claiming an interest in the subject matter of the hearing may move to intervene. The motion must be directed to the administrative law judge. The administrative law judge shall grant or deny the motion as a matter of discretion.
- (5) Factors considered. The administrative law judge in ruling on a motion to add a party shall be guided by whether the presence of the party will be helpful in carrying out the purposes of the law against discrimination (compare WAC 162-08-061). In addition, the administrative law judge shall consider whether adding the party will cause unnecessary delay or will divert the hearing from the objectives of the statute and of the commission's amended complaint. The administrative law judge need not follow court rules or precedents on the joinder of parties.
- (6) Not class actions. Hearings under RCW 49.60.250 are not class actions, in the technical sense of that term in court practice. The commission, presenting the case in support of a complaint, may ask that a respondent be ordered to pay back pay or to afford other relief to all persons injured by an unfair practice, and the administrative law judge may issue such an order to carry out the purposes of the law against discrimination (WAC 162-08-298(6)). If such an order is made, the right to have the payments made will belong to the commission, not to the injured persons (WAC 162-08-305). The legal rights of persons of the class alleged to have been injured are not at issue in the case, and those persons are not bound by the administrative law judge's decision unless they accept the benefits of it in full satisfaction of their potential claims. Only the commission and the respondent and other persons named as parties are bound by the order of an administrative law judge.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

- WAC 162-08-298 Remedies. (1) Power of administrative law judge. The administrative law judge has the power to exercise the general jurisdiction of the commission to eliminate and prevent discrimination by means of orders to respondents who have been found after hearing to have engaged in an unfair practice or practices.
- (2) General objectives. An order should generally both eliminate the effects of an unfair practice and prevent the

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recurrence of the unfair practice. The effects of an unfair practice are eliminated by restoring the victims of the unfair practice as nearly as possible to the position they would have been in if the unfair practice had not occurred. It is appropriate to eliminate the effects of the unfair practice on persons other than the complainant or complainants, and to consider the deterrent effect of an order on persons other than the respondent or respondents. The objective of the law is to eliminate and prevent discrimination, not merely to provide treatment for victims of discrimination.

- (3) Cease and desist. In every case where the administrative law judge finds that a respondent has engaged in an unfair practice the administrative law judge shall order the respondent to cease and desist from that unfair practice.
- (4) Examples of remedies. Included among remedies that will effectuate the purposes of the law against discrimination in an appropriate case are the following:
- (a) An order to hire persons who have been unfairly denied employment;
- (b) An order to reinstate persons who have been unfairly terminated, downgraded, or reclassified;
- (c) An order to upgrade persons who have been unfairly denied promotion;
- (d) An order to pay back pay to a person or persons who would have had a job but for the unfair practice of the respondent;
- (e) An order to pay an amount equal to the difference in pay between the job the persons had and the job they would have had but for the unfair practice of the respondent;
- (f) An order restoring employment benefits, such as insurance benefits, retirement contributions, sick leave, vacation benefits, seniority standing, etc., lost or not gained because of an unfair practice;
- (g) An order to admit persons to membership in a union which has unfairly excluded the persons and dispatch them to jobs in accordance with uniform rules applicable to all members;
- (h) An order to merge or otherwise restructure a seniority system that unfairly disadvantages a protected class of persons;
- (i) An order to rent or sell real property to persons who have been unfairly denied the property;
- (j) An order to grant credit to persons who have been unfairly denied credit;
- (k) An order to reimburse or compensate persons for the excess cost of credit caused by an unfair practice;
- (I) An order to issue or renew insurance to persons who have been unfairly denied the insurance;
- (m) Except as may be provided for complaints of unfair practices in real estate transactions, an order to pay a sum of money of up to ((one)) ten thousand dollars to compensate persons for humiliation and mental suffering caused by an unfair practice;
- (n) ((An order to pay a sum of money up to one thousand dollars to a complainant who has been denied the right to be free from discrimination in a real property transaction, based simply on the loss of the statutory right (RCW 49.60.225);)) An order assessing a civil penalty against the respondent as authorized by RCW 49.60.225 (1) and (2);
- (o) An order to pay interest on money that should have been paid at an earlier time, but for the unfair practice.

- Interest may be calculated at the current market rate for unsecured personal loans from institutions other than small loan companies licensed under chapter 31.08 RCW;
- (p) An order to not retaliate against a complainant, witness, or other person for filing a complaint, testifying, or assisting in any proceeding under chapter 49.60 RCW;
- (q) An order to institute affirmative programs, practices, or procedures that will eliminate an unfair practice or its effects, or will prevent the recurrence of the unfair practice;
- (r) An order for any other remedy which is available under comparable civil rights laws of the United States or other states, including the federal Fair Housing Amendments Act of 1988, 42 U.S.C. sec. 3601 et seq.

This list is not exhaustive. An administrative law judge may make any order that will effectuate the purposes of the law against discrimination, ((that)) provided the order is in compliance with the rules of the commission((7)) and ((that)) is not otherwise prohibited by law.

- (5) Remedies not authorized. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, an administrative law judge is not authorized to order:
 - (a) The payment of punitive damages;
 - (b) The payment of fines payable to the state.
- (6) No order effectuating the law against discrimination in real estate transactions shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the complaint filed under this chapter.
- (7) Treatment of unemployment compensation. When an order is made for payment of wages lost during a time when the beneficiary of the order was receiving unemployment compensation, the amount of the award shall not be reduced by the amount of unemployment compensation received. The order may make provision for payment of the portion of the award covered by unemployment compensation jointly to the beneficiary and the Washington state department of employment security, or to the department alone. (Under Washington law, it is the duty of the employee to reimburse the department of employment security when back pay is received for a period during which the employee collected unemployment compensation.)
- (((7))) (8) Persons for whom relief can be ordered. The administrative law judge may order that remedies for an unfair practice be paid or accorded to the named complainant or complainants, and, in addition, to any other persons identified as having been injured by the unfair practice.
- (((8))) (9) Nature and purpose of order. An administrative order is one means of carrying out the public purpose of the law against discrimination: To eliminate and prevent certain discrimination. The administrative law judge in framing its order shall be guided by this public purpose. The administrative law judge's task is not the determination of private rights. See WAC 162-08-061, 162-08-062. The administrative law judge is not required to observe conventional common law or equity principles in fashioning the order. The guiding principle for the administrative law judge is whether a particular remedy will effectuate the purposes of the law against discrimination. An order requiring a respondent to pay money to a person as back pay, or to compensate for some other loss, is not a private award of

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damages, but is a public reparation order. Except as may be otherwise provided in RCW 49.60.260 and WAC 162-08-288, only the commission can enforce the order. The beneficiary has no property right in the money until he or she receives it. See WAC 162-08-305.

(((9))) (10) Retention of jurisdiction. In appropriate cases the administrative law judge in his or her order may retain jurisdiction for a reasonable period of time for the purpose of determining compliance with his or her order or issuing orders supplementing or modifying the original order. If the administrative law judge does not retain jurisdiction through a provision of his or her order he or she has no jurisdiction to modify or supplement his or her order, except on reconsideration (WAC 162-08-311). Retention of jurisdiction by the administrative law judge under this subsection does not prevent the administrative law judge's order from being final for the purpose of judicial review or enforcement.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-305 Nature of orders—Enforcement.

(1) Nature of orders. Orders obtained by counsel for the commission are public reparation orders, not adjudications of private rights between respondents and persons aggrieved by the respondents' unfair practices. When a respondent is ordered to rehire or compensate a person, the person who is the beneficiary of the order has no property right in the job, money, etc., until the person receives it.

(2) Enforcement of order. Except as may be otherwise provided in RCW 49.60.260 and WAC 162-08-288, only the commission, through its counsel, has the authority to enforce an order of an administrative law judge. RCW 49.60.260.

(3) Compromise of order. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, the commission, acting in good faith, may compromise an order of an administrative law judge, with or without the consent of the beneficiaries of the order.

NEW SECTION

WAC 162-36-001 Definitions. (1) "Brokerage services" means access to or membership or participation in a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings;

(2) "Dwelling" means any building, structure or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(3) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

- (4) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property; transacting or applying for a real estate loan; the provision of brokerage services; or the making or purchasing of loans secured by residential real estate;
- (5) "Real property" includes buildings, structures, dwellings, real estate, land, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein:
- (6) "Unfair practices on the basis of creed" or "discrimination on the basis of creed" includes, but is not limited to religious discrimination under the federal Fair Housing Amendments Act of 1988.

NEW SECTION

WAC 162-36-005 Discrimination. (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person:

- (a) To refuse to engage in a real estate transaction with a person;
- (b) To discriminate against a person in the terms, conditions, or privileges or a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (d) To refuse to negotiate for a real estate transaction with a person;
- (e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;
- (f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;
- (g) To make, print, publish, circulate, post, mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- (h) To offer, solicit, accept, use, or retain listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
 - (i) To expel a person from occupancy of real property;
- (j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing

in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions;

- (k) To attempt to do any of the unfair practices defined in this chapter or chapter 49.60 RCW.
- (2) It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, families with children status, or with any sensory, mental or physical disability and/or the use of a trained guide dog or service dog by a disabled person.
- (3) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under RCW 49.60.224(1) or to honor or attempt to honor such a provision in the chain of title.
- (4) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, creed, national origin, sex, disability, or families with children status.
- (5) Nothing in this chapter limits the applicability of any reasonable federal, state or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal Fair Housing Amendments Act of 1988, 42 U.S.C. sec 3607 (b)(1) through (3).

NEW SECTION

WAC 162-36-006 Retaliation. It is an unlawful practice to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, rights regarding real estate transactions, regardless of the merits of the underlying claim, contentions or allegations at issue.

AMENDATORY SECTION (Amending Order 14, filed 7/16/73)

WAC 162-36-010 Soliciting buyers from neighbors of listed house. Some real estate firms have a practice of sending letters, post cards or printed circulars to residents of a neighborhood where they have a home listed for sale in order to obtain referrals of prospective buyers of the home. Such a practice does not necessarily discriminate against persons on the basis of race, creed, color, national origin, sex, ((or)) marital status, families with children status, the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person. However, the practice can have a discriminatory effect, and thereby constitute an unfair practice in a real estate transaction within the meaning of this chapter, where:

(1) It is used only in neighborhoods occupied entirely or predominantly by persons of a single race, creed, color, national origin, sex, ((or)) marital status, families with children status, have the presence of a sensory, mental or physical disability, or who use a trained guide dog or service dog as a disabled person, or

- (2) Persons of a particular race, creed, color, national origin, sex, ((ex)) marital status, families with children status, have the presence of a sensory, mental or physical disability, or use a trained guide dog or service dog as a disabled person living in the same neighborhood are not sent solicitations, or
- (3) The content or language of the solicitation ((is worded so as to suggest that the recipient can control the character or type of person to whom the property will be sold.

Use of the neighborhood solicitations under the above circumstances or in the above manner is an unfair practice under RCW 49.60.222.

Further rules on the content of the neighborhood solicitations are given in WAC 162-36-020)) invites, promotes or perpetuates residential segregation or discrimination on the basis of race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person.

AMENDATORY SECTION (Amending Order 14, filed 7/16/73)

WAC 162-36-020 Content and language of solicitation. Residential segregation on the basis of race, creed, ((and other considerations)) national origin or other ethnic classification is rooted in the history of this country and fixed in the patterns of thought of many ((person)) people. The ((wording)) content and language of a solicitation of names of prospective purchasers directed to neighbors of a house listed for sale, must be examined in this context in assessing whether the solicitation constitutes an unfair practice within the meaning of RCW 49.60.222 and WAC 162-36-010. A solicitation which indicates that the recipient of the solicitation can control the type of persons who will move into the neighborhood by referring appropriate prospective buyers, is likely to be understood as an invitation to discriminate on the basis of race, creed, color, national origin, sex ((or)), marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person. Phrases such as "uphold the standards of the community" (when the "standards" are unspecified) are likely to be understood the same way. Accordingly, it is an unfair practice under RCW 49.60.222 and WAC 162-36-010 ((to word)) for the content or language of a neighborhood solicitation ((so-that-it)) to:

- (1) Suggest((s)) in any way that the solicitor ((or the)), buyer or seller((; or any one or more of them,)) has the power to control the type or character of the person or persons to whom the property involved may be sold;
- (2) Invite((e)) or provoke((e)) discriminatory feelings, actions, or responses from the person or persons being solicited:
- (3) Make((9)) reference to an assumed standard of the community which the solicitor, buyer or seller must or will uphold, unless the particular community standard is identified specifically, and the standard does not have the effect of excluding persons of a particular race, creed, color, national origin, sex, ((or)) marital status, families with children status, the presence of a sensory, mental or physical disability, or

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the use of a trained guide dog or service dog by a disabled person.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-010 Scope and purpose of chapter. (1) Confined to unfair practices. This chapter interprets and implements the ((handicap)) disability discrimination coverage ((of the sections of)) provided by the law against discrimination ((governing)) regarding unfair practices in real estate transactions, RCW 49.60.222((, 49.60.223, 49.60.224, 49.60.225, and 49.60.226. This chapter does not define the scope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted in WAC 162-38-030) or interpret other statutes)) through 49.60.340. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120(4) to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) **Principal statutes** interpreted. The ((legislation)) statutes principally interpreted in this chapter ((is the following portion of RCW 49.60.222:

"It is an unfair practice for any person, whether acting for himself or another, because of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

- "(1) To refuse to engage in a real estate transaction with a person;
- "(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(3) To refuse to receive or to fail to transmit a bona fide offer to-engage in a real estate transaction from a person;
- "(4) To refuse to negotiate for a real estate transaction with a person;
- "(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- "(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- "(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(8) To expel a person from occupancy of real property;
 "(9) To discriminate in the course of negotiating,
 executing, or financing a real estate transaction whether by
 mortgage, deed of trust, contract, or other instrument
 imposing a lien or other-security in real property, or in
 negotiating or executing any item or service related thereto

loan guarantee, or other aspect of the transaction. . . .; or "(10) To attempt to do any of the unfair practices defined in this section.

including issuance of title insurance, mortgage insurance,

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"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59.18 RCW."

- (3) Related regulations. Regulations of the commission on handicap discrimination in public accommodations are in chapter 162-26-WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and other regulations governing employment. General regulations governing unfair practices in real estate transactions are in chapter 162-36-WAC. Regulations governing eredit transactions are in chapter 162-40-WAC)) are RCW 49.60.222 through 49.60.225. This chapter does not define the scope of the civil right to be free from discrimination because of a disability declared in RCW 49.60.030 or interpret other statutes.
- (3) Sources of policy guidance. In applying and interpreting the provisions of the law against discrimination regarding discrimination in real estate transactions based upon the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person, the commission is guided by the following:
- (a) Legislative policy statements found in RCW 49.60.010, 49.60.030, 70.84.010 and 70.92.100; and
- (b) The federal Fair Housing Amendments Act of 1988, 42 U.S.C. 3601, et seq.
- (4) Related statutes and regulations. Chapter 70.92 RCW (provisions in buildings for aged and disabled persons); chapter 70.84 RCW ("white cane law" for disabled persons); chapter 19.27 RCW (state building code); chapter 162-26 WAC (disability discrimination in public accommodations); chapter 162-22 WAC (disability discrimination in employment); chapter 162-40 WAC (disability discrimination in credit transactions); chapter 162-36 WAC (unfair practices in real estate transactions); and chapter 51-30 WAC (standards for barrier-free facilities).

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-035 Concurrent remedy in court. Courts have jurisdiction under RCW 49.60.030(2) to remedy violations of RCW 49.60.222, 49.60.223, 49.60.2235 and 49.60.224 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will administratively close the case before it in compliance with RCW 49.60.226 and WAC 162-08-062(((2))).

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-040 Definitions. (((1) Real estate transaction. RCW 49.60.040 gives the following definitions:

"'Real property' includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"'Real-estate transaction' includes the sale, exchange, purchase, rental, or lease of real property."

- (2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:
- "'Handicap' is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."
- (3) Definitions special to this chapter.)) The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is ((handicapped)) disabled, with reasonable effort and in reasonable safety.

(("Barrier free design standards")) "Standards for barrier-free facilities" means ((ehapter 51-10 WAC, setting of barrier free design)) standards for making building and facilities accessible to physically disabled persons, ((emponent of the state building eode)) pursuant to chapter 51-30 WAC and chapter 70.92 RCW. See WAC 162-38-030(2), 162-38-070.

(("Dog guide" means a trained dog guide used by a blind or deaf person. See WAC 162-38-100.))

"Disability" is short for "the presence of a sensory, mental or physical disability."

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" ((is defined in WAC 162 38 070(5))) means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting and other floor covers.

"Tenant" is a person who rents or seeks to rent real property.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-050 Who is protected. (1) ((Statutes.)) Scope. RCW 49.60.222 defines practices in connection with real estate transactions that are unfair when done because of "the presence of any sensory, mental, or physical ((handieap)) disability, or the use of a trained ((dog)) guide dog or service dog by a blind ((or)), deaf or physically disabled person." ((RCW 49.60.223 and 49.60.224 are worded similarly with respect to handieap.

- (2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not treated fairly in a real estate transaction. A person is handicapped by a sensory, mental, or physical condition if she or he is discriminated against because of the condition. The law protects all persons from discrimination because of handicap, whether the handicap is severe or slight.
- (3) When handicap present.)) Nothing in this chapter or in chapter 49.60 RCW, however, prohibits treating disabled persons more favorably in a real estate transaction than persons who are not disabled.
- (2) Presence of disability. The presence of a sensory, mental, or physical ((handicap)) disability includes, but is not limited to, ((eircumstances where a sensory, mental, or physical condition)) an abnormal condition that:
 - (a) Is medically cognizable or diagnosable;
 - (b) Exists as a record or history; or
 - (c) Is perceived to exist, whether or not it exists in fact.
- (((4) Person using dog guide. WAC 162-38-100 defines who is protected as a person using a trained dog guide.
- (5) Nonhandicapped not protected. The law protects against discrimination because of the "presence" of a handicap. It does not prohibit treating handicapped persons more favorably than nonhandicapped persons. Compare WAC 162-22 060 (employment).))

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

- WAC 162-38-060 General rules. (1) General principles apply. The unfair practices in real estate transactions as defined in RCW 49.60.222 through 49.60.225 apply to ((race discrimination, sex discrimination, and other kinds of discrimination as well as handicap)) claims of disability discrimination. This chapter deals with special questions as to the application of the law to ((handicap)) disability discrimination. Where no special provision is made by the statute, by this chapter, or by exception by the commissioners under WAC 162-06-030, general principles of nondiscrimination apply.
- (2) Statutory rules. It is an unfair practice ((under RCW 49.60.222)) for any person to do any of the ((following things)) acts enumerated in RCW 49.60.222 through 49.60.225 because of ((handieap or the use of a trained dog guide by a blind or deaf person:
- "(1) To refuse to engage in a real estate transaction with a person;
- "(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- "(4) To refuse to negotiate for a real estate transaction with a person;
- "(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

- "(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- "(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. . . .
- "(10) To attempt to do any of the unfair practices defined in this section."
- (3) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030)) the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person. For purposes of this chapter, an unfair practice in a real estate transaction on the basis of a disability includes discrimination because of a disability of the buyer or renter, a person residing in or intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that buyer or renter.

AMENDATORY SECTION (Amending Order 43, filed 12/23/82)

WAC 162-38-070 ((Structural barriers to)) $\underline{\mathbf{A}}$ ccessibility. (1) ((Statute. RCW 49.60.222 says:

"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law."

- (2))) Laws requiring accessibility. The principal laws that require that buildings be made accessible are:
- (a) The state building code, chapter 19.27 RCW, which includes the standards for barrier free ((design standards adopted in chapter 51-10 WAC)) facilities in chapter 51-30 WAC, promulgated under the authority of chapter 70.92 RCW. ((The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, ... which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003-))
- (b) ((Chapter 219, Laws of 1971 1st ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.
- (c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially

- the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.
- (d) RCW-35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.
- (e) United States law; particularly 45 CFR § 8423; implementing section 504 of the Rehabilitation Act of 1973 (29 USC § 794), which requires that facilities constructed after April 28, 1977, with federal assistance be readily accessible to and usable by handicapped persons.)) The federal Fair Housing Amendments Act of 1988, codified at 42 U.S.C. 3601, et seq., and accompanying regulations (chapter 24 CFR Part 100).
- (c) The Americans With Disabilities Act of 1990, codified at 42 U.S.C. 12101, et seq.
- (d) The Rehabilitation Act of 1973, codified at 29 U.S.C. 701, et seq., and accompanying regulations.
- (e) The Architectural Barriers Act, codified at 42 U.S.C. 4151, et seq.
- (3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.222:
- (a) To engage in a real estate transaction involving real property with structural barriers that were lawful when constructed and that are presently lawful under the state building code and other law outside of the law against discrimination; or
- (b) To maintain real property with structural barriers to accessibility when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination.
- (4) **Unfair practices.** It is an unfair practice under RCW 49.60.222:
- (a) To build or remodel in violation of the <u>standards for</u> barrier free ((<u>design standards</u>)) <u>facilities</u>, chapter ((<u>51-10</u>)) <u>51-30</u> WAC, or other requirement of law on accessibility <u>as</u> defined herein.
- (b) To fail to maintain or fail to continue the accessibility of real property that was required by law to be accessible when built, remodeled, or rehabilitated.
- (c) To take any action of the types set out in RCW $49.60.222 \ ((\frac{(+1)}{(+1)})) \ through \ ((\frac{(+10)}{(+10)})) \ \underline{49.60.225}$ against a $(\frac{(+10)}{(+10)}) \ \underline{49.60.225}$
- (d) For an owner of ((ten)) four or more units of rental property who is making nonstructural changes in the rental property to fail to eliminate barriers to accessibility when this can be done without substantially changing the scope or cost of the project or requiring structural changes that are not otherwise required by law. Specifically, it is an unfair practice:
- (i) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the ((handicapped)) disabled or that makes the place of public accommodation less accessible to the ((handicapped)) disabled.
- (ii) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the ((handicapped)) disabled or one that makes the place of public accommodation less accessible to the ((handicapped)) disabled.
- (iii) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the

((handicapped)) disabled, unless no suitable place is accessible.

- (iv) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the ((handicapped)) disabled, when possible.
- (((5) What is "structural." "Structural" for purposes of RCW 49.60.222 means the load bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.
- (6) Modifications by tenant. Rules with respect to allowing tenants to make structural or other changes in order to achieve or improve accessibility are set out in WAC 162-38-080.))

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-080 Modifications or additions made by tenants. (1) Landlord need not pay. Except as required by law (((explained in WAC 162-38-070))), a landlord is not required to pay for alterations or additions to real property needed to make it accessible by ((handieapped)) disabled persons.

- (2) Unfair to unreasonably prohibit modifications needed by ((handicapped)) disabled tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure, it is an unfair practice under RCW 49.60.222 for a landlord to refuse to allow a ((handicapped)) disabled tenant to make reasonable alterations or additions to the structure or fixtures under the following conditions:
- (a) The alterations or additions are paid for by the tenant((-)); and
- (b) ((The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building and enforce standards of quality and architectural compatibility.)) The tenant agrees to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted; or
 - (c) As otherwise required by RCW 49.60.222(2).
- (3) Examples of appropriate modifications. The following are examples of alterations or additions commonly needed to make real property ((usable by handicapped)) accessible to disabled persons:
 - (a) Ramps for wheelchairs or walkers.
- (b) Lights to indicate to a deaf person that the doorbell or telephone is ringing, or for similar purposes.
 - (c) Grab bars in bathrooms.
 - (d) Roll-out shelves in kitchens.
- (e) Simplified locking systems for use by a ((mentally handicapped)) person with mental disabilities.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

- WAC 162-38-090 Public areas of rental property.
 (1) Are covered as places of public accommodation.
 RCW 49.60.040 includes the following in its broad definition of place of public accommodation:
- "... public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants."
- (2) Applicable law. Public areas as defined in this section are governed by the public accommodations coverage of the law against discrimination, RCW 49.60.215, and chapter 162-26 WAC, public accommodations, ((handieap)) disability discrimination, as well as by the real estate transaction coverage of the law against discrimination and this chapter of the commission's regulations.
- (3) Public areas. "Public" areas for purposes of public accommodations coverage of rental property include all areas intended for use by more than one tenant, or by one or more tenants and the resident owner. The area need not be open to the public at large. The area is covered if it is open to all tenants, or any two tenants, or the owner and one or more tenants. In addition to public halls, public elevators and public washrooms, public areas include garbage disposal facilities, recreation facilities, laundry or other work areas, and open space.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-110 Inquiries to ((handicapped)) disabled applicants. (1) ((Statute. RCW 49.60.222 includes the following as an unfair practice with respect to handicap:

"(6) To ... make a ... inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;"

(2)) Unfair practice. It is an unfair practice under RCW 49.60.222(((6))) (1)(g) for a landlord to inquire into matters personal to a ((handicapped)) disabled applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether a ((handicapped)) disabled person is assisted by an aide, and when.

(((3))) (2) Reference to employment rules. The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-120 Unfair to request or require waiver of rights. It is an unfair practice for any person as a condition of entering into or continuing a real estate transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a ((handicapped)) disabled person.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 162-38-020

Purpose of chapter.

WAC 162-38-030 Related law.

WSR 96-13-053 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed June 14, 1996, 9:35 a.m., effective September 30, 1996]

Date of Adoption: June 14, 1996.

Purpose: Repeal WAC 308-94-035 Snowmobile registration fees. RCW 46.10.040 is amended to establish permanent snowmobile registration fees.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-94-035.

Statutory Authority for Adoption: RCW 46.10.210.

Other Authority: RCW 46.10.040.

Adopted under notice filed as WSR 96-09-039 on April 11, 1996.

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 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 0, repealed 1.

Effective Date of Rule: September 30, 1996.

June 13, 1996 Katherine Baros Friedt Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-94-035 Snowmobile registration—Fee.

WSR 96-13-054 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed June 14, 1996, 9:36 a.m.]

Date of Adoption: June 14, 1996.

Purpose: Adopt additional veteran remembrance emblems for vehicle license plates.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-505.

Statutory Authority for Adoption: RCW 46.16.319(2).

Adopted under notice filed as WSR 96-09-040 on April 11, 1996.

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 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.

June 13, 1996

Katherine Baros Friedt Director

AMENDATORY SECTION (Amending WSR 91-03-091, filed 1/18/91, effective 2/18/91)

WAC 308-96A-505 Veteran license plate emblems—Available. Veteran remembrance vehicle license plate emblems shall be provided, <u>pursuant to RCW 46.16.319</u>, in ((a)) designs representative of:

- (a) The words U.S. veteran, referred to as veteran emblem.
- (b) The United States flag waving on a staff without wording, referred to as the flag emblem, and
- (c) The campaign ribbon <u>awarded</u> for <u>serving in</u> each of the ((seven medals authorized in RCW 46.16.319)) <u>following campaigns or services</u> referred to as **campaign** emblems:

World War I victory medal;

Asiatic-Pacific campaign medal, WW II;

European-African-Middle East campaign medal, WW II;

American campaign medal, WW II;

Korean service medal:

Vietnam service medal;

Armed forces expeditionary, after 1958;

Pacific War Zone Bar, WW II merchant marine;

Atlantic War Zone Bar, WW II merchant marine;

Mediterranean-Middle East War Zone Bar, WW II merchant marine;

National defense service ribbon; and

Southwest Asia service medal, Desert Storm.

WSR 96-13-055 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed June 14, 1996, 9:38 a.m., effective July 1, 1997]

Date of Adoption: June 14, 1996.

Purpose: Repeal WAC 308-93-174 County auditors and subagents—Disposition of application fees. RCW 46.01.140 is amended to include county auditor and subagent fees for processing vessel applications.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-174.

Statutory Authority for Adoption: RCW 88.02.100. Other Authority: RCW 46.01.140.

Adopted under notice filed as WSR 96-09-041 on April

11, 1996.

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 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 0, repealed 1.

Effective Date of Rule: July 1, 1997.

June 13, 1996 Katherine Baros Friedt Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-174

County auditors and subagents—Disposition of application fees.

WSR 96-13-061 PERMANENT RULES **PUGET SOUND** AIR POLLUTION CONTROL AGENCY

[Filed June 17, 1996, 9:38 a.m.]

Date of Adoption: June 13, 1996.

Purpose: (1) To specify procedures for the Puget Sound Air Pollution Control Agency board to issue general regulatory orders as currently authorized under RCW 70.94.141(3); and (2) to provide the regulated community with a simpler, more concise chromium electroplating and anodizing regulation while incorporating the federal NESHAP (national emission standards for hazardous air pollutants) requirements.

Citation of Existing Rules Affected by this Order: Amending Section 3.01 of Regulation III.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 96-10-073 on May 1, 1996.

Changes Other than Editing from Proposed to Adopted Version: Section 3.03(a) the paragraph was changed to read: "The Board may, by regulatory order, apply to a specific source or sources any applicable provision of chapter 70.94 RCW or the rules adopted thereunder."; Section 3.03 (b)(1) the second sentence was added to read: "Notice shall also be sent to the U.S. Environmental Protection Agency Regional Administrator."; Section 3.03 (b)(3) in the second sentence, a phrase was added to read: ", shall indicate the interest of the entity filing it,"; Section 3.01(a) the following phrase was deleted from the end of the paragraph: "of new processes and products"; and Section 3.01(e) the date at the end of the paragraph was changed from January 1, 1997, to January 25, 1997.

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing. June 13, 1996 Margaret L. Corbin Air Pollution Engineer

NEW SECTION

REGULATION I SECTION 3.03 GENERAL REGU-LATORY ORDERS

- (a) Purpose. The Board may, by regulatory order, apply to a specific source or sources any applicable provision of chapter 70.94 RCW or the rules adopted thereunder.
- (b) Public Involvement Process. The Board may issue a regulatory order after the following public involvement process has been completed:
- (1) Public notice of the proposed order shall be published in a newspaper of general circulation in the area where the source that is the subject of the order is located. Notice shall also be sent to the U.S. Environmental Protection Agency Regional Administrator. The cost of providing public notice shall be borne by the affected source. The public notice shall include, at a minimum, the following information:
- (A) The name and address of the owner or operator and the source:
- (B) A brief description of the purpose of the proposed order and the requirements included in the proposed order;
- (C) The deadline for submitting written comments to PSAPCA; and
- (D) The opportunity for a public hearing if PSAPCA determines that there is significant public interest in the proposed order.
- (2) The initial public comment period shall be at least 30 days.
- (3) During the initial 30-day public comment period, any person may request a public hearing be held. Any such request shall be submitted in writing to the Agency, shall indicate the interest of the entity filing it, and describe why

a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held before a hearing officer and upon such notice and at a time and place as the Agency deems reasonable. The hearing officer shall hear testimony at the public hearing and prepare a written summary of the testimony received at the hearing. The Agency shall provide at least 30 days prior notice of any hearing. If a public hearing is held, the public comment period shall extend through the hearing date.

- (c) Board Action. The Board shall only issue an order under this section after:
 - (1) The public comment period has ended;
 - (2) Any public hearing scheduled has been held; and
- (3) The Board has considered all information and data related to the proposed order received by PSAPCA, including all written comments received and any summary of testimony prepared by the hearing officer.

The Board shall take action on a proposed order at a Board meeting. Unless otherwise ordered by the Board, an order issued under this section shall be effective on the date the Board approves the order.

(d) Appeals. Orders issued by the Board under this section may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.

AMENDATORY SECTION

REGULATION III SECTION 3.01 HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING ((CHROMIC ACID PLATING AND ANODIZING

- (a) It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank unless the tank is equipped with a permanent ampere hour accumulator that is operating at all times electrical current is applied to the tank and the facility-wide uncontrolled hexavalent chromium emissions from plating or anodizing tanks are reduced by at least 95% using either of the following control techniques:
 - (1) An anti-mist additive shall-be employed; or
 - (2) The tank shall be equipped with:
- (A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and
- (B) Control equipment or a combination of anti-mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.15 milligrams per ampere hour of electrical charge applied to the tank.
- (b) It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank at a facility where the facility wide hexavalent chromium emissions from chromic acid plating and anodizing are greater than 1 kilogram per year after the application of the control techniques required by Section 3.01(a), unless the facility wide uncontrolled hexavalent chromium emissions from plating and anodizing tanks are reduced by at least 99% using either of the following control techniques:
 - (1) An anti-mist additive shall be employed; or
 - (2) The tank shall be equipped with:

- (A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and
- (B) Control equipment or a combination of anti-mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.03 milligrams per ampere hour of electrical charge applied to the tank.
- (c) It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank at a facility where the facility wide hexavalent chromium emissions from chromic acid plating and anodizing would be greater than 1 kilogram per year after the application of the control techniques required by Section 3.01(b), unless the facility wide uncontrolled hexavalent chromium emissions from plating and anodizing tanks are reduced by at least 99.8% using either of the following control techniques:
 - (1) An anti-mist additive shall be employed; or
 - (2) The tank shall be equipped with:
- (A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and
- (B) Control equipment or a combination of anti-mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.006 milligrams per ampere hour of electrical charge applied to the tank.
- (d) The owner or operator of the source shall report the facility wide hexavalent chromium emissions to the Agency annually using procedures approved by the Control Officer.))
- (a) Applicability. This section applies to hard and decorative chromium electroplating and chromium anodizing tanks, except tanks issued an Order of Approval under Regulation I, Section 6.07, for exclusive use in research and development.
- (b) Definitions. The following definitions apply to this section:

CHROMIUM ANODIZING means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

DECORATIVE CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically equal to or less than 1 micron, is deposited on a base material using a solution containing chromic acid or trivalent chromium. Current density applied is typically less than 2,400 amperes per square meter of electroplated part and total plating time is typically less than 5 minutes.

HARD CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically greater than 1 micron, is deposited on a base material using a solution containing chromic acid. Current density applied is typically greater than 1,600 amperes per square meter of electroplated part and total plating time is typically greater than 20 minutes.

(c) Hard Chromium Electroplating Standards. It shall be unlawful for a person to cause or allow the operation of a hard chromium electroplating tank unless the tank is equipped with control equipment that limits total chromium emissions to less than the following applicable limit:

Affected Tanks	Emission Limit (mg total chromium/dscm)
Hard Chromium Electroplating located at a facility with a maximum cumulative potential rectifier capacity of less than 60 million ampere-hours/year and installed prior to December 15, 1993 (potential rectifier capacity may be limited by an Order under Section 6.07 or Section 3.03 of Regulation 1)	0.03
Hard Chromium Electroplating, all others	<u>0.015</u>

(d) Decorative Chromium Electroplating and Chromium Anodizing Standards. It shall be unlawful for a person to cause or allow the operation of a decorative chromium electroplating or chromium anodizing tank unless total chromium emissions are controlled using either of the following control techniques:

(1) The tank shall be equipped with control equipment that limits total chromium emissions to less than 0.01

milligrams per dry standard cubic meter; or

(2) A wetting agent shall be employed that reduces the bath surface tension to less than 45 dynes/cm. Bath surface tension must be measured and recorded weekly with a stalagmometer or tensiometer operated and maintained in accordance with the manufacturer's specifications.

- (e) Operation and Maintenance Requirements. Chromium electroplating or anodizing tanks using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation must be operated in accordance with an Order of Approval under Section 6.07 of Regulation I, or an Order issued by the Board under Section 3.03 of Regulation I, which specifies operating and maintenance procedures, monitoring, recordkeeping, and reporting requirements consistent with the federal standards for hard and decorative chromium electroplating and chromium anodizing in 40 CFR Part 63, Subpart N. Compliance with this section is required by January 25, 1997.
- (f) Performance Testing Requirements. It shall be unlawful for a person to cause or allow the operation of a chromium electroplating or chromium anodizing tank using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation unless compliance with the emission limit has been demonstrated with an on-site performance test conducted in accordance with 40 CFR Part 63, Subpart N. Performance testing shall be performed no later than July 24, 1997.

WSR 96-13-067 PERMANENT RULES GAMBLING COMMISSION

[Order 293-Filed June 18, 1996, 8:40 a.m.]

Date of Adoption: June 14, 1996.

Purpose: Rule changes to allow additional bingo player selection games and to make various housekeeping amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-080, 230-08-105, 230-20-101, 230-20-240, 230-20-241, 230-20-242, and 230-20-246.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8)-(11), (14), (20).

Adopted under notice filed as WSR 96-07-072 on March 19, 1996.

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 5, amended 7, 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 5, amended 7, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 5, amended 7, 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. June 17, 1996 Michael R. Aoki-Kramer

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-23-091, filed 11/20/95, effective 1/1/96)

WAC 230-08-080 Daily records—Bingo. In addition to any other requirement set forth in these rules, licensees for the operation of bingo shall be required to prepare a detailed record covering each bingo session as defined in WAC 230-02-104: Provided, That operators of bingo games conducted at qualified agricultural fairs and other special locations shall be exempt from this rule, but will be required to keep all operator records by location in order to properly report all information as required by WAC 230-08-250. This detailed daily record shall disclose the following information for each separate session conducted during a bingo ((session)) occasion:

- (1) The gross gambling receipts collected for each separate type of sale, of any kind, for bingo games including, but not limited to, regular games, early bird games, blackout games, special games, or pick up games. These gross gambling receipts shall be supported by receipting records required by WAC 230-20-101 and inventory control records required by WAC 230-08-105. Licensees using the combination receipting method shall reconcile the extended value of all disposable cards, packets of cards, and electronically generated cards sold to the amount of sales recorded per the cash register;
- (2) The amount paid out or accrued for prizes awarded for each bingo game. Each session record shall contain the following minimum information regarding prizes awarded:
 - (a) The game number;
 - (b) The dollar amount or the actual cost of each prize;
 - (c) A complete description of all noncash prizes;
- (d) The consecutive number of the prize receipt issued for each prize;
- (e) The duplicate copy of the prize receipt issued for all prizes awarded during the session;
- (f) The check number of all checks used to pay winners of bingo games: Provided, That if the payment must be made by check under the guidelines of WAC 230-20-102

- (1)(c), the duplicate copy must be maintained as a part of the session records; and
 - (g) Full details of prizes accrued.
 - (3) The net gambling receipts from each bingo session;
- (4) The cash on hand at the commencement and the conclusion of each session;
- (5) A reconciliation of cash on hand, net gambling receipts, and the bank deposit of net revenue for each session. The bank deposit shall be supported by a validated copy of the bank deposit receipt. Steps taken to reconcile overages and/or shortages that exceed twenty dollars for any session must be documented;
- (6) An attendance record indicating the number of people participating and the time the attendance count was made;
- (7) All bingo numbers or symbols selected and called during any game that offers a prize exceeding two hundred dollars. The numbers or symbols shall be recorded in the sequence selected. A computer generated "call sheet" may be used in lieu of a manual record if a print-out of results is made;
- (8) The winning card or face number(s) for each individual prize awarded that exceeds two hundred dollars: *Provided*, That if the game is played using disposable bingo cards, the winning card or sheet of cards may be retained in lieu of the card numbers;
- (9) A copy of the schedule of the games to be played and prizes available for the session: *Provided*, That if the record is annotated with the effective dates of each game schedule, it may be maintained separately and updated only when a change occurs. Any changes to the advertised and printed game and prize schedule, that occur during a session, must be noted in the session records and verified by the signature of the gambling manager assigned primary responsibility for supervising the session and another bingo worker on duty during the session;
- (10) The gambling manager assigned primary responsibility for supervising the bingo session(s) must review all session records for accuracy, determine that required information is provided, and confirm the required deposit amount(s). After satisfactory completion of this review, the records must be signed by the gambling manager responsible for supervising the session before the gambling manager leaves the premises on the day(s) the session(s) was conducted; and
 - (11) All records required by this section shall be:
- (a) Recorded in a standard format prescribed by the commission;
 - (b) Recorded during the course of each session; and
 - (c) Retained for a period of not less than three years.

AMENDATORY SECTION (Amending WSR 95-19-070, filed 9/18/95, effective 1/1/96)

WAC 230-08-105 Disposable bingo cards—Inventory control record. All disposable bingo cards purchased or otherwise obtained must be controlled and accounted for by the licensee. This control function shall be accomplished by maintaining an inventory control record prepared in a format prescribed by the commission for Class D and above licensees: *Provided*, That alternative formats ((that accom-

- plish)) accomplishing regulatory requirements may be approved by commission staff.
- (1) All purchase invoices, or a photocopy thereof, for disposable bingo cards received must be maintained on the bingo premises;
- (2) Manufacturer packing records, required by WAC 230-20-192, shall be maintained as a part of the inventory control record;
- (3) The following information must be recorded for disposable bingo cards((, sheets of eards, or collations of packets used for games sold as a package)) immediately after purchase or before the next bingo occasion:
- (a) The identification and inspection services stamp number;
- (b) The serial number or, if packets, the serial number of the top page;
 - (c) The number of cards or card packets in the series;
 - (d) The type of card or card packet;
 - (e) The purchase invoice number;
 - (f) The purchase invoice date; ((and))
 - (g) Date and session first placed into play; and
- (h) The dollar value assigned each sheet or card packet when placed into play:
- (4) In addition to the information required in subsection (3) of this section, licensees using the combination receipting method, per WAC ((230-20-101(5))) 230-20-108, shall record the following for each session ((the)) sets or collations of cards ((is)) are sold:
 - (a) The session number and date;
- (b) The beginning and ending audit control numbers of the top page of the packets;
- (c) Adjustments for any missing packets, per the manufacturer's packing record;
- (d) The number of packets distributed to sales points and returned as unsold;
 - (e) Total packets issued;
 - (f) The value of each packet;
- (g) The extended value obtained by multiplying total packets issued times the value of each packet. This total shall be carried forward to the "Daily Bingo Summary" and reconciled to the amount of sales per the cash register record; and
- (h) The cumulative number of packets issued from the collation, session-to-date;
- (5) Licensees using the combination receipting method may divide sets or collations of cards into no more than ten subgroups only if the information required by subsections (3) and (4) of this section are recorded for each subgroup.

AMENDATORY SECTION (Amending WSR 94-01-034, filed 12/6/93, effective 1/6/94)

WAC 230-20-101 Income from bingo games—Receipting required. All income from bingo games shall be accounted for by the licensee at the time the income is received ((from each individual player: Provided, That Class A, B, and C bingo licensees, organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair are exempt from the requirements of this rule if the requirements of WAC 230-08-015 are followed)). Each individual player shall be issued a receipt at the time of payment for the amount paid

to participate in each game or set of games. This receipt shall be retained by the player as evidence that the number of cards being played have been properly purchased. ((The following methods are authorized for use to document receipt of bingo income:

- (1) Cash register: A eash register receipt may be used to document receipt of bingo income if:
- (a) A consecutively numbered receipt is printed and given to the customer. The following information shall appear upon the receipt:
 - (i) The name of the licensee operating the activity;
 - (ii) The date;
- (iii) The amount of money paid for the opportunity to play each type of game;
 - (iv) The total amount of money paid; and
 - (v) The consecutive customer receipt number.
- (b) The eash register shall have the ability to assign a consecutive four digit customer receipt number to every sales transaction processed. This numbering system must be of a type that can only be reset by service personnel and does not return to zero at the conclusion of any period of use or power interruption: Provided, That a cash register which does not meet the above standard but has adequate alternative control features may be used if written commission approval is received prior to use;
- (e) Cash registers used to record receipts for Class D and above licensees shall have the ability to assign a consecutive three digit number to notate each time transactions are subtotalled or when a set of transactions are totalled and closed;
- (d) The eash register shall have sufficient keys to record separately each type of sale as required by WAC 230-08-080:
- (e) The eash register must store and compute a total for each type of sale recorded and must be capable of providing such upon request;
- (f) If the eash register is electronic, the memory unit must retain all transactions recorded during a session, regardless of whether or not its power source is interrupted;
- (g) All eash register receipts for voids, overrings, returns, "no sales" and any other receipts not issued to a player must be retained with the daily bingo records;
- (h) All transactions, customer receipt numbers, and control totals must be recorded on the tape retained in the eash register. The internal tape, showing these transactions, shall be retained with the daily records of the licensee for a period of not less than three years; and
- (i) If the eash register is used by the licensee for purposes other than recording the receipts from bingo, the internal eash register tapes from all other uses shall be retained for not less than three years and be available upon request.
- (2) Tickets: Tickets may be used for receipting of bingo income received by Class F and below licensees and by any class of licensee conducting bingo games authorized by WAC 230-20-242 if the following conditions are met:
- (a) All tickets must be printed by a commercial printer with the following information:
 - (i) A consecutive number of at least four digits; and
- (ii) The dollar value or the amount of money represented by each ticket if used to receipt for income.

- (b) Each ticket on a roll-shall represent the same specific amount of money;
- (e) Tickets shall be issued consecutively from each roll, starting with the lowest numbered ticket;
- (d) All tickets purchased or otherwise obtained must be accounted for by the licensee. All tickets purchased or otherwise obtained by the licensee after June 30, 1991, shall be documented on a vendor's invoice. This invoice, or a photo copy thereof, shall be maintained on the premises and available for inspection. The following information shall be documented on the purchase invoice for each roll of tickets purchased:
 - (i) Name of vendor;
 - (ii) Name of purchaser;
 - (iii) Date of purchase;
 - (iv) Number of rolls of tickets purchased; and
- (v) The color, dollar value, total number of tickets, and beginning ticket number for each roll.
- (e) An inventory record in a format prescribed by the commission shall be maintained of all tickets on the premises, which are used for income receipting of any type or for conducting bingo games authorized by WAC 230 20 242. All information regarding any tickets received by a licensee shall be entered in the inventory record prior to the beginning of the next bingo occasion. The following information must be recorded for each roll of tickets:
- (i) The date each roll of tickets is purchased or obtained by the licensee;
 - (ii) The purchase invoice number;
 - (iii) The color;
 - (iv) The dollar value of the tickets;
 - (v) The beginning ticket number;
 - (vi) The total number of tickets on each roll; and
- (vii) The individual making the entry into the inventory record shall acknowledge the entry by initialing the log at the time of entry.
- (f) The licensee shall record the following information for each separate roll of tickets in its daily records:
 - (i) The color;
 - (ii) The value of each ticket;
 - (iii) The lowest numbered ticket issued as a receipt; and
 - (iv) The highest numbered ticket issued as a receipt.
- (g) Any ticket, not issued as a receipt during a session, that bears a number falling below the highest numbered ticket issued during that session, shall not be used to receipt for any type of income by the licensee and must be retained by the licensee as a part of its daily records.
- (3) Electronically generated bingo cards: Electronically generated bingo cards may be used to document receipting of bingo income: Provided, That if the sales transaction and issuance of cards to the customer are not completed and documented concurrently, the combination receipting method authorized in subsection (5) of this section must be used. For purposes of this title, "electronically generated bingo cards" means bingo cards or faces whose specific numbers or symbols and the sequence in which the numbers or symbols are arranged on the cards or faces has been predetermined by a licensed manufacturer and stored in electronic computer devices or data bases. If electronically generated bingo cards are used as receipts, the following conditions must be met:

- (a) All eards must be printed on the premises of the licensed bingo operator, during the occasion in which the eards are intended for use, by means of a printer interfaced with the computer, and meet the requirements of WAC 230-20-240:
- (b) If printed prior to the time of sale to a player, eards or sheets of eards must be sold consecutively at each individual sales point, beginning with the lowest eard, sheet, or transaction number assigned. Cards or sheets of eards, which are not issued consecutively during a session, that have an audit number that is lower than the highest audit number issued as a receipt must be retained by the licensee as a part of their daily bingo records for at least one year;
- (e) Requirements of WAC-230-20-192 (3) and (12) apply to these cards;
- (d) Cards used in player selection games, authorized by WAC 230 20 241, must be printed on two part, self-duplicating paper and include an original and a duplicate copy: Provided, That a single copy card may be used if all data imprinted on the card is either imprinted on a continuous printed transaction journal retained in the card generating device or stored in the computer data base and printed out at the end of each session. The original must be given to the player and the duplicate copy will be retained by the operator as a part of the daily bingo records;
- (e) All transactions recorded during a bingo session must be summarized and printed in the form of a permanent record at the end of each session. This record shall provide the following information:
 - (i) The beginning and ending eard number;
 - (ii) The beginning and ending transaction number;
 - (iii) The total number of eards sold;
 - (iv) The total number of sales transactions;
 - (v) The total dollar amount of sales; and
- (vi) The number and dollar amount of all voids, overrings, or sale returns.
- (f) All electronically generated cards or sheets of eards must be imprinted with an audit system that includes at least the following information:
- (i) Each eard must be assigned a eard number, as defined by WAC 230 20 192 (2)(b);
- (ii) Each sheet of cards must be assigned a consecutive transaction number that does not repeat in less than 999,999 transactions:
 - (iii) The name of the licensee operating the activity;
 - (iv) The time and date of the transaction;
 - (v) The game number;
- (vi) The amount of money paid for the opportunity to play each game: Provided, That if the combination receipting method authorized by subsection (5) of this section is used to receipt for income, the customer receipt number may be substituted for this requirement;
 - (vii) The total amount of money paid; and
- (viii) The numbers and symbols and the card number assigned by the manufacturer or, if printed for use in "player selection games" authorized by WAC 230-20-241, the bingo numbers selected by the player.
- (g) An electronic device used to store bingo cards and interface with a printer for providing such to players must contain the following controls:
- (i) A record of all transactions occurring during a session must be retained in memory until the transactions

- have been totalled, printed, and cleared by the operator, regardless of whether or not the unit's primary power source is interrupted:
- (ii) The ability-to-compute a total of all transactions occurring during the current session and to print out such upon request;
- (iii) The circuitry and programs that maintain and control the time and date of sale and transaction number, must be secured in a manner that prohibits change or resetting except by the manufacturer or qualified service personnel. A detailed record, supported by service documents shall be retained for each service call involving a change of the time, date, or transaction number; and
- (iv) The electronically stored bingo eards must be secured in a manner that prevents an operator or player from modifying them. Cards issued to a player shall not be exchanged, transferred, refunded, or the price modified in any manner after completion of the sales transaction. Cards must be stored on erasable programmable read only memory (EPROM), compact disc read only memory (CDROM), write once read many disc drives (WORM), or other systems approved by the commission.
- (4) Disposable (throwaway) bingo eards: Disposable bingo eards may be used to receipt for bingo income if the following requirements are met:
- (a) Cards must meet all requirements of WAC 230-20-192:
- (b) The inventory control record required by WAC 230-08-105 must be completed: *Provided*, That the requirements of subsection (2)(h) of this section are not required if disposable cards are used as income receipts;
- (e) Cards or sheets of eards intended for playing a single game, including on the-way games the following shall be recorded for each set of eards:
 - (i) Serial number;
 - (ii) The color-and/or-border pattern;
 - (iii) The value of each card or sheet;
- (iv) The lowest consecutive eard or sheet number issued as a receipt;
 - (v) The last eard or sheet number issued as a receipt;
- (vi) Missing cards or sheets per the manufacturer's packing record;
 - (vii) The number of eards returned and not issued;
 - (viii) The number of eards issued as receipts; and
- (ix) The total gross-gambling receipts from all eards issued as receipts.
- (d) Packs or packets of cards sold as a package and intended for playing a defined set of games within a session the following shall be recorded for each set or collation of packs or packets of cards:
- (i) The serial number of the top sheet or page of the packet;
- (ii) The color and/or border-pattern of the top sheet or page of the packet;
- (iii) The lowest consecutive card, sheet, or packet number for the first packet issued as a receipt;
- (iv) The eard, sheet, or packet number of the last or highest packet issued as a receipt;
 - (v) The number of packets issued as receipts;
 - (vi) The number of packets returned and not issued;
- (vii) Missing packets per the manufacturer's packing record;

- (viii) The value of each packet; and
- (ix) The total gross receipts from all packets issued as receipts.
- (e) Each disposable eard, or sheet or packet of cards, from the same set or collation shall be consecutively issued at each individual sales point. Each eard, or sheet or packet of cards, which were not issued consecutively during a session, and the audit number is lower than the highest audit number issued as a receipt, shall be retained by the licensee for a period of not less than one year: Provided, That eards, or sheets or packets of cards, required by this subsection to be retained may be sold at the next bingo session that the specific set of cards is used; and
- (f) Disposable eards issued for each type of sale shall be recorded separately as required by WAC 230-08-080: Provided, That when more than one eard or sheet number appears on a sheet of eards issued, then the primary eard or sheet numbering system designated by the manufacturer shall be used to determine the beginning number sold and the ending number sold. Each time the numbering of the sheets breaks in the set, a separate entry shall be made in the records:
- (5) Combination receipting system: A combination receipting system utilizing a cash register and disposable or electronically generated bingo cards may be used to receipt for bingo income from package sales. Class G and above licensees shall use this method to receipt for income from disposable bingo card packets and electronically generated bingo cards if sales transactions and issuance of cards are not completed and documented concurrently. When a combination receipting system is used, the following requirements must be met:
- (a) All requirements for eash register receipting set out in subsection (1) of this section shall be followed;
- (b) If receipting for the sale of disposable bingo card packets:
- (i) Each packet of cards, from the same collation shall be consecutively issued at each individual sales point. Each packet of cards, which were not issued consecutively during a session, and the audit number is lower than the highest audit number issued, shall be retained by the licensee for a period of not less than one year: Provided, That packets of cards required to be retained by this subsection may be sold during the next bingo session that the specific collation of cards is used; and
- (ii) The information required by WAC 230-08-105 must be recorded in the inventory-control record.
 - (e) If receipting for electronically generated bingo cards:
- (i) All requirements of subsection (3) of this section must be followed; and
- (ii) The totals from the transaction record shall be earried forward to the "daily bingo summary" and reconciled to sales per the eash register record.)) Authorized methods of receipting bingo income are specific to certain license classes as follows:
- (1) Class A, B, and C bingo licensees, organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair may utilize the method set forth in WAC 230-08-015 or any method set forth in subsection (2) of this section; and

(2) Class D and above shall utilize the methods set forth in WAC 230-20-104, 230-20-105, 230-20-106, 230-20-107, or 230-20-108, as applicable.

NEW SECTION

WAC 230-20-104 Cash register method of receipting bingo income. A cash register receipt may be used to document receipt of bingo income as long as the following requirements and standards are met:

- (1) Cash registers used must perform the following functions or meet the following standards:
- (a) Have sufficient keys to record separately each type of sale as required by WAC 230-08-080;
- (b) Store and compute a total for each type of sale recorded and must be capable of providing such upon request;
- (c) The memory unit of electronic cash registers must retain all transactions recorded during a session, regardless of whether or not its power source is interrupted;
- (d) Record all transactions, customer receipt numbers, and control totals on the internal tape retained in the cash register. The internal tape, showing these transactions, shall be retained with the daily records of the licensee for a period of not less than three years; and
- (e) The cash register must assign and imprint on the customer receipt and internal tape a minimum four-digit consecutive number for every sales transaction processed. This numbering system must be of a type that can only be reset by service personnel and does not return to zero at the conclusion of any period of use or power interruption: *Provided*, That a cash register not meeting the requirements of this subsection but having adequate alternative control features may be used if written commission approval is received before use; and
- (f) Cash registers used to record receipts for Class D and above licensees shall also imprint a minimum three-digit consecutive number on the customer receipt and internal tape to notate each time transactions are totaled or when a set of transactions are totaled and closed: *Provided*, That a cash register not meeting the requirements of this subsection but having adequate alternative control features may be used if written commission approval is received before use;
- (2) The customer receipt must be imprinted with the following information:
 - (a) The name of the licensee operating the activity;
 - (b) The date;
- (c) The amount of money paid for the opportunity to play each type of game;
 - (d) The total amount of money paid; and
 - (e) The consecutive customer receipt number;
- (3) All cash register receipts for voids, overrings, returns, "no sales" and any other receipts not issued to a player must be retained with the daily bingo records;
- (4) The internal cash register tapes from all uses other than bingo income receipting shall be retained by the licensee for not less than three years and be available for commission staff review upon request.

[31] Permanent

WAC 230-20-105 Ticket method of receipting bingo income. Tickets may be used for receipting of bingo income received under the following conditions:

- (1) All tickets must be manufactured by a commercial printer and imprinted with the following information:
- (a) A consecutive number of at least four digits: *Provided*, That Class F and above licensees must utilize tickets with numbers that do not repeat in at least 99,999 occurrences:
- (b) The dollar value or the amount of money represented by each ticket on a roll shall represent the same specific amount of money; and
- (c) Class F and above bingo licensees The name of the licensee operating the bingo game;
- (2) Use of tickets for receipting bingo income is restricted as follows:
- (a) Any class of licensee Tickets may be used to receipt for games authorized by WAC 230-20-242(1);
- (b) Class E and below licensees Tickets may be used to receipt for the following games:
 - (i) Games utilizing hard cards; and
- (ii) Bonus games as described in WAC 230-20-246 (8)(c); and
- (c) Class F and above licensees Tickets may be used to receipt for bonus games as described in WAC 230-20-246 (8)(c) when a part of a combination receipting method set forth in WAC 230-20-108;
- (3) All tickets utilized by Class F or above licensees must be purchased from a licensed distributor or manufacturer:
- (4) Tickets shall be issued consecutively from each roll, starting with the lowest numbered ticket;
- (5) All tickets purchased or otherwise obtained must be accounted for by the licensee. If purchased from a commercial business or licensed distributor, documentation must be on the sales invoice. This invoice, or a photo-copy, shall be maintained on the premises and available for inspection. The following information shall be documented on the sales invoice for each roll of tickets purchased:
 - (a) Name of distributor;
 - (b) Name of purchasing licensee;
 - (c) Date of purchase;
 - (d) Number of rolls of tickets purchased; and
- (e) The color, dollar value, total number of tickets, and beginning ticket number for each roll;
- (6) An inventory record, in a format prescribed by the commission, shall be maintained for all tickets on the premises used for income receipting of any type or for conducting bingo games authorized by WAC 230-20-242. All information regarding any tickets received by a licensee shall be entered in the inventory record before the beginning of the next bingo occasion. The following information must be recorded for each roll of tickets:
- (a) The date each roll of tickets is purchased or obtained by the licensee;
 - (b) The purchase invoice number;
 - (c) The color;
 - (d) The dollar value of the tickets;
 - (e) The beginning ticket number;
 - (f) The total number of tickets on each roll; and

- (g) The initials of the individual making the entry into the inventory record;
- (7) The licensee shall record the following information for each separate roll of tickets in the daily records for each bingo session:
 - (a) The color;
 - (b) The value of each ticket;
 - (c) The lowest numbered ticket issued as a receipt;
 - (d) The highest numbered ticket issued as a receipt; and
 - (e) The total gross receipts from the game;
- (8) Any ticket, not issued as a receipt during a session, that bears a number falling below the highest numbered ticket issued during that session, shall not be used to receipt for any type of income by the licensee and must be retained by the licensee as a part of its daily records; and
- (9) No licensee shall have tickets that are the same color and imprinted with the same ticket number on its premises.

NEW SECTION

WAC 230-20-106 Electronically generated bingo card method of receipting bingo income. Electronically generated bingo cards may be used to document receipting of bingo income: *Provided*, That if the sales transaction and issuance of cards to the customer are not completed and documented concurrently, the combination receipting method authorized in WAC 230-20-108 must be used. If electronically generated bingo cards are used as receipts, the following conditions must be met:

- (1) For purposes of this title, "electronically generated bingo cards" means bingo cards or faces whose specific numbers or symbols and the sequence in which the numbers or symbols are arranged on the cards or faces has been predetermined by a licensed manufacturer and stored in electronic storage devices or data bases and accessed by computer;
- (2) All cards must be printed on the premises of the licensed bingo operator, during the occasion in which the cards are intended for use, by means of a printer interfaced with the computer, and meet the requirements of WAC 230-20-240;
- (3) If printed prior to the time of sale to a player, cards or sheets of cards must be sold consecutively at each individual sales point, beginning with the lowest card, sheet, or transaction number assigned. Cards or sheets of cards, which are not issued consecutively during a session, that have an audit number that is lower than the highest audit number issued as a receipt must be retained by the licensee as a part of their daily bingo records for at least one year;
- (4) Requirements of WAC 230-20-192 (3) and (12) apply to these cards;
- (5) Cards used in player selection games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper and include an original and a duplicate copy: *Provided*, That a single copy card may be used if all data imprinted on the card is either imprinted on a continuous printed transaction journal retained in the card generating device or stored in the computer data base and printed out at the end of each session. The original must be given to the player and the duplicate copy will be retained by the operator as a part of the daily bingo records;

- (6) All transactions recorded during a bingo session must be summarized and printed in the form of a permanent record at the end of each session. This record shall provide the following information:
 - (a) The beginning and ending card number;
 - (b) The beginning and ending transaction number;
 - (c) The total number of cards sold;
 - (d) The total number of sales transactions;
- (e) The total dollar amount of sales for each type of sale:
 - (f) The total dollar amount of sales; and
- (g) The number and dollar amount of all voids, overrings, or sale returns;
- (7) All electronically generated cards or sheets of cards must be imprinted with an audit system that includes at least the following information:
- (a) Each card must be assigned a card number, as defined by WAC 230-20-192 (2)(b);
- (b) Each sheet of cards must be assigned a consecutive transaction number that does not repeat in less than 999,999 transactions:
 - (c) The name of the licensee operating the activity;
 - (d) The time and date of the transaction;
 - (e) The game number;
- (f) The amount of money paid for the opportunity to play each game: *Provided*, That if the combination receipting method authorized by WAC 230-20-108 is used to receipt for income, the customer receipt number may be substituted for this requirement;
 - (g) The total amount of money paid; and
- (h) The numbers and symbols and the card number assigned by the manufacturer or, if printed for use in "player selection games" authorized by WAC 230-20-241, the bingo numbers selected by the player;
- (8) An electronic device used to store bingo cards and interface with a printer for providing such to players must contain the following controls:
- (a) A record of all transactions occurring during a session must be retained in memory until the transactions have been totaled, printed, and cleared by the operator, regardless of whether or not the unit's primary power source is interrupted;
- (b) The ability to compute a total of all transactions occurring during the current session and to print out such upon request;
- (c) The circuitry and programs that maintain and control the time and date of sale and transaction number, must be secured in a manner that prohibits change or resetting except by the manufacturer or qualified service personnel. A detailed record, supported by service documents shall be retained for each service call involving a change of the time, date, or transaction number; and
- (d) The electronically stored bingo cards must be secured in a manner that prevents an operator or player from modifying them. Cards issued to a player shall not be exchanged, transferred, refunded, or the price modified in any manner after completion of the sales transaction. Cards must be stored on erasable programmable read only memory (EPROM), compact disc read only memory (CDROM), write once read many disc drives (WORM), or other systems approved by the commission.

WAC 230-20-107 Disposable (throwaway) bingo card method for receipting bingo income. The disposable bingo card method must be used to receipt for bingo income when disposable bingo cards are used. When utilizing the disposable bingo card method, the following requirements must be met:

- (1) Cards must meet all requirements of WAC 230-20-192;
- (2) The inventory control record required by WAC 230-08-105 must be completed;
- (3) Cards or sheets of cards intended for playing a single game, including on-the-way games the following shall be recorded for each set of cards:
 - (a) Serial number;
 - (b) The color and/or border pattern;
 - (c) The value of each card or sheet:
- (d) The lowest consecutive card or sheet number issued as a receipt;
 - (e) The last card or sheet number issued as a receipt;
- (f) Missing cards or sheets per the manufacturer's packing record;
 - (g) The number of cards returned and not issued;
 - (h) The number of cards issued as receipts; and
- (i) The total gross gambling receipts from all cards issued as receipts;
- (4) Packets sold and intended for playing a defined set of games within a session the following shall be recorded for each set or collation of packs or packets of cards:
- (a) The serial number of the top sheet or page of the packet;
- (b) The color and/or border pattern of the top sheet or page of the packet;
- (c) The lowest consecutive card, sheet, or packet number for the first packet issued as a receipt;
- (d) The card, sheet, or packet number of the last or highest packet issued as a receipt;
 - (e) The number of packets issued as receipts;
 - (f) The number of packets returned and not issued;
- (g) Missing packets per the manufacturer's packing record;
 - (h) The value of each packet; and
- (i) The total gross receipts from all packets issued as receipts;
- (5) Each disposable card, or sheet or packet of cards, from the same set or collation shall be consecutively issued at each individual sales point. Each card, or sheet or packet of cards, which were not issued consecutively during a session, and the audit number is lower than the highest audit number issued as a receipt, shall be retained by the licensee for a period of not less than one year: *Provided*, That cards, or sheets or packets of cards, required by this subsection to be retained may be sold at the next bingo session that the specific set of cards is used; and
- (6) Disposable cards issued for each type of sale shall be recorded separately as required by WAC 230-08-080. When more than one card or sheet number appears on a sheet of cards, the audit system designated by the manufacturer shall be used to determine the beginning and ending number sold. Each time the numbering of the sheets breaks in the set, a separate entry shall be made in the records.

WAC 230-20-108 Combination receipting method of receipting bingo income—Procedures. A system utilizing a combination of cash register receipting and another approved method of receipting may be used to receipt for bingo income. The following conditions and procedures apply to the use of the combination receipting method:

(1) This method must be used by Class F and above licensees receipting for bingo income from the following

types of sales:

(a) Disposable bingo card packets;

- (b) Disposable bingo card sheets from a set of bingo cards divided into subgroups;
- (c) Electronically generated bingo cards, if sales transactions and issuance of cards are not completed and documented concurrently; and
- (d) Bonus games as described in WAC 230-20-246 (8)(c);
- (2) All requirements for cash register receipting set forth in WAC 230-20-104 shall be followed;
 - (3) If receipting for the sale of disposable bingo cards:
- (a) All requirements of WAC 230-20-107 must be followed;
- (b) Each packet of cards from a collation of bingo card packets or each sheet of cards from a set of bingo card sheets shall be consecutively issued at each individual sales point. Each packet, sheet of cards, or card which was not issued consecutively during a session, and whose audit number is lower than the highest audit number issued, shall be retained by the licensee for a period of not less than one year: *Provided*, That if collations or sets are divided into subgroups as authorized by WAC 230-08-105(5), then packets or sheet of cards within each subgroup must be issued consecutively from each subgroup: *Provided further*, That packets or sheets of cards required to be retained by this subsection may be sold during the next bingo session that the specific collation or series is used; and
- (c) The information required by WAC 230-08-105 must be recorded in the inventory control record; and
- (d) The totals from the transaction record shall be carried forward to the "daily bingo summary" and reconciled to sales per the cash register record;
 - (4) If receipting for electronically generated bingo cards:
- (a) All requirements of electrically generated bingo card receipting as set forth in WAC 230-20-106 must be followed; and
- (b) The totals from the transaction record shall be carried forward to the "daily bingo summary" and reconciled to sales per the cash register record; and
- (5) If receipting for bonus games as described in WAC 230-20-246 (8)(c):
- (a) All requirements of ticket receipting as set forth in WAC 230-20-105 must be followed;
- (b) Tickets must be issued consecutively from each sales point. Tickets at each sales point with audit numbers lower than the highest ticket issued at that sales point shall be retained as a part of the daily bingo records for a period of not less than one year; and
- (c) The totals from the transaction record shall be carried forward to the "daily bingo summary" and reconciled to sales per the cash register record.

AMENDATORY SECTION (Amending WSR 95-19-070, filed 9/18/95, effective 1/1/96)

WAC 230-20-240 Bingo equipment to be used. The conduct of bingo must include the following required items:

- (1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all Class D and above operators. This device shall be constructed in the following manner:
- (a) It will allow participants full view of the mixing action of the balls; and
- (b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246((-));
- (2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. The following additional requirements regarding bingo balls must be met:
- (a) The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition((-));
- (b) Each numbered ball shall be the same weight as each of the other balls and free from any defects; and
- (c) Each set of balls in play must be distinguishable from all other sets of balls in play;
- (3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;
- (4) Bingo cards must be preprinted, manufactured cards that meet the following standards:
- (a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed((÷));
- (b) Be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC ((230-20-101(3))) 230-20-106 may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games may be manufactured by unlicensed manufacturers if:
- (i) The primary activity of such manufacturer is producing nongambling products;
- (ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241. The licensee that initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements:
- (iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed

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manufacturer, the operator shall assume responsibility for compliance with this requirement.

- (c) All disposable bingo cards must meet the requirements of WAC 230-20-192; and
- (d) Electronically generated cards and supporting equipment must meet the requirements of WAC ((230-20-101(3)-)) 230-20-106;
- (5) Effective January 1, 1997, all Class ((G)) F and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be receipted for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC ((230-20-101 (3), (4), or (5))) 230-20-106, 230-20-107, or 230-20-108;
- (6) Duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;
- (7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees, the following procedures and restrictions apply:
- (a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;
- (b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:
- (i) Games that provide a bonus for a single winner If all winners have duplicate cards then all winners shall be paid the bonus;
- (ii) Games that result in multiple winners, some of which are players with duplicate cards The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;
- (iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufactures shall not be responsible for increases to the prize pool required by this subsection; and
- (iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards((-));

- (c) Increases to prize pools as a result of duplicate card errors, for which the manufacturer is responsible, may be deducted from prize payouts for computing compliance with WAC 230-20-064;
- (d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;
- (e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:
- (i) Caused by manufacturer printing, packaging, or collation errors; or
- (ii) Any player winning with a duplicate card was not paid the entire prize amount((-));
- (f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

- WAC 230-20-241 Player selection games. A licensee may offer bingo games in which players are allowed to select their own numbers if the following conditions are met:
- (1) The cards used to conduct the games must have controls that provide an audit trail adequate to determine all winning combinations are valid. The following types of cards are authorized:
- (a) Two-part disposable cards may be used if the following conditions are met:
- (i) The cards are printed on two-part, self-duplicating paper that provides for an original and a duplicate copy;
- (ii) The disposable card method of receipting for income per WAC ((230-20-101(4))) 230-20-107 is used;
- (iii) Players shall mark their numbers on each card in a distinct, clear, and legible manner prior to separation of the duplicate and original. No alterations are allowed after separation of the duplicate and original cards. Operators shall establish and set forth in plain view, house rules setting out any conditions by which an entry may be added, deleted or changed prior to separation. Any such changes must be verified by a worker authorized by the bingo manager;
- (iv) All original cards shall be placed in containers that shall be physically locked and controlled to assure no cards are placed in the container after the first bingo ball is called; and
- (v) The player retains and plays the duplicate copy((-)); and
- (b) Electronically generated cards may be used if the following conditions are met:
- (i) The electronically generated bingo card method of receipting for income per WAC ((230-20-101(3))) 230-20-106 is used;
- (ii) ((All data required to be printed on the eard by WAC 230-20-101 (3)(b) must-be legible; and
- (iii))) Players do not mark or deface the card in any manner that prevents reading of the bingo numbers or any of the data imprinted on the card as set out in WAC ((230-20-101-(3)(d).)) 230-20-106;
- (2) The following restrictions apply to prizes awarded for player selection games:

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- (a) "Instant winner" prizes may not exceed twenty-five percent of the total prize pool or two hundred fifty dollars, whichever is less; and
- (b) In addition to the requirements of WAC 230-20-102 and 230-20-246, a winning card of two hundred fifty dollars or more shall be verified by the winner's signature on the back of the card: *Provided*, That if a two-part card, allowed by subsection (1)(a) ((above)) of this section, is used, the verifying neutral player's name and complete address must be recorded on the back of the original card;
- (3) All winning cards and the duplicate copies, if required, shall be retained by the operator as a part of its daily bingo records; and
- (4) Incomplete cards, cards with alterations that were not verified per subsection (1)(a)(iii) of this section, and cards for which all required imprinted data is not displayed and legible shall not be paid as winners. Incomplete, incorrect, altered, and unreadable cards are the players' responsibility and refunds shall not be allowed: *Provided*, That a one-for-one exchange may be made by the game management in cases where errors are discovered prior to the start of the game or before the duplicate and original sheets have been separated. In this case the operator will mark "VOID" on the original, initial next to the players initials, and maintain the replaced card with the daily bingo records.

AMENDATORY SECTION (Amending Order 263, filed 12/5/94, effective 1/5/95)

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

- (1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC ((230-20-101(2))) 230-20-105 are followed and:
- (a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;
- (b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;
- (c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;
- (d) Licensees may restrict the awarding of tickets to players that are:
 - (i) Winners of bingo games;
 - (ii) "Good neighbors"; or
- (iii) Other players that meet predetermined specific requirements;

- (e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records((-));
- (2) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:
- (a) The total value of prizes shall not exceed five hundred dollars during any occasion;
- (b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and
- (c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records((-));
- (3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:
- (a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and
- (b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records((-));
- (4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:
- (a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;
- (b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;
- (c) The scheme does not require the player to risk any portion of a prize already won;
- (d) Every possible outcome of the scheme provides the player with an additional prize;
- (e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:
- (i) The players minimum odds of winning the highest prize;
 - (ii) How a winner is determined;
- (iii) Any contingencies or special requirements that may affect the outcome;
 - (iv) The cash value of the highest prize available; and

- (v) Any financial burden that must be borne by the winner, such as taxes or registration fees((-));
- (f) All requirements of WAC 230-20-010 are met before cards are purchased; and
- (g) The scheme and supporting records contain control factors necessary for commission audit((-));
- (5) Licensees may award promotional gifts to bingo players on up to six occasions annually if:
- (a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and
- (b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.

AMENDATORY SECTION (Amending Order 257, filed 8/25/94, effective 9/25/94)

WAC 230-20-246 Manner of conducting bingo. The conducting of a bingo game shall include, but is not limited to, the following rules:

- (1) All sales of bingo cards shall take place upon the licensed premises during or immediately preceding the session for which the card is being sold;
- (2) Bingo cards shall be sold and paid for prior to selection of the first symbol or number for a specified game or specified number of games: *Provided*, That cards may be sold after the start of a game, or number of games, if the late sale does not allow any player an advantage over any other player. Hard cards purchased or exchanged after the first symbol or number is selected may only be used during subsequent games. Any sales method that allows a player to select a specific disposable or throwaway card shall be deemed to allow the player an advantage;
- (3) No operator shall reserve, or allow to be reserved, any bingo card for use by players ((except)): <u>Provided</u>, That braille cards or other cards for use by visually impaired or disabled players((;
- (4))) may be reserved. Visually impaired players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A visually impaired or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;
- (((5))) (4) All cards sold to participate for a specific prize or set of prizes shall be sold for the same price and be distinct and readily distinguished from all other cards in play: *Provided*, That similar cards used to participate for the same prize or set of prizes may be sold at a discount which is based solely on volume if each separate discount price is recorded using a separate sales identification code and records provide for an audit trail;
- (((6))) (5) All symbols ((and/)) or numbers shall be selected on the premises and in the presence of players paying to participate in the game. Immediately following the drawing of each ball in a bingo game, the caller shall display the symbol ((and/)) or number on the ball to the participants;
- (((7))) (6) The symbol ((and/))or number on the ball shall be called out prior to the drawing of any other ball;
- (((8))) (7) After the symbol ((and/))or number is called, the corresponding symbol ((and/))or number on the licensee's flashboard, if any, shall be lit for participant

- viewing. In a game where a symbol ((and/)) or number on the ball is not applicable to the game being played, it is not necessary to call that symbol or number ((and/or symbol)) to the participants before placing it for viewing on the flashboard;
- (((9))) (8) A game ends when a specific pattern has been achieved by a player or a specific number of symbols ((and/))or numbers has been called. Each game shall be played using a separate selection process: *Provided*, That the same or a continuing selection process may be used to play the following games:
- (a) Interim or "on-the-way" games, including "instant winner" games in which winners are determined by matching a predetermined number of symbols or numbers to balls called, or by matching a predetermined pattern within an established number of calls; ((and))
- (b) Games for which cards are sold for different prices and players win a different prize depending on the price they pay to play((-)); and
- (c) Bonus games which are games played concurrently with other bingo games and the winner is determined by a player calling a valid bingo which includes a predetermined or preselected number or symbol;
- (((10))) (9) No bingo game shall be conducted to include a prize determined other than by the matching of symbols ((and/))or numbers on a bingo card with symbols ((and/))or numbers called by the licensee, ((in competition among all players in a bingo game)) except as authorized by WAC 230-20-242. All persons who have paid to participate in the game are competing for a specific prize or a portion of a prize pool. If a prize pool has been designated and more than one player achieves a winning pattern at the same time, all such players shall be considered the winner and a portion of the prize pool shall be equally divided among all players achieving the same winning pattern;
- (((11))) (10) The minimum amount of ((a)) an individual prize ((or prizes)), prize pool, or portion of a prize pool available for each bingo game shall be established and disclosed to bingo game players prior to their purchase of a chance to participate in a bingo game. The minimum prize may be increased by the ((primary bingo)) gambling manager ((prior to)) before the start of a game or through the following schemes during the game:
- (a) Schemes using standard bingo equipment and cards such as:
- (i) Number of symbols or numbers called ((prior to)) before a ((winner)) player achieving a winning combination;
 - (ii) The specific symbol or number ((or symbol)) called;
 - (iii) The specific letter called;
 - (iv) Position of winning combinations on the card;
 - (v) Position of the card on the sheet of cards; ((and))
 - (vi) Odd or even symbol or numbers ((or symbol.)); and
- (vii) The number of symbols or numbers matched within a specific number of calls;
- (b) Schemes preprinted on disposable cards that rely on a number or symbol called during a game; or
- (c) Second element of chance schemes authorized by WAC 230-20-242(4).
- (((12))) (11) Immediately upon a bingo player declaring a winning combination of ((letters and)) symbols or numbers, the winning card shall be verified by a game employee and at least one neutral player: Provided, That games

played as "instant winners" and awarding fifty dollars or less do not need to be verified by a neutral player if an audit trail is maintained including a method which identifies the winning combination of numbers, symbols, or patterns and the numbers, symbols, or patterns called;

(((13))) (12) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;

(((14))) <u>(13)</u> After a winning bingo is validated, the prize shall be awarded using the following procedures:

- (a) Each winner shall be required to provide proof that they have purchased the winning bingo card. The licensee shall review the prize winner's income receipt and determine that the player has properly purchased all cards played during the games, including the winning card;
- (b) Each prize winner shall be positively identified. The licensee shall require such proof of identification as is necessary to establish the prize winner's identity prior to paying any prize. The winner is responsible for furnishing proof to the licensee that all information required by this rule is true and accurate. Prizes may be withheld until the winner has provided adequate identification;
- (c) The prize shall be awarded and a record made by completing a prize receipt as required by WAC 230-08-080 and 230-20-102. A complete address and tax payer identification number should be recorded for each prize valued at \$1,200 or more;
- (d) All prizes for a particular game must be available prior to starting the game and shall be awarded by the end of the related session;
- (e) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: *Provided*, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered((-));

 $(((\frac{15}{})))$ (14) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.

WSR 96-13-068 PERMANENT RULES GAMBLING COMMISSION

[Order 294—Filed June 18, 1996, 8:42 a.m.]

Date of Adoption: June 14, 1996. Purpose: Housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-035, 230-50-800.

Statutory Authority for Adoption: RCW 9.46.070, chapter 34.05 RCW.

Adopted under notice filed as WSR 96-10-050 on April 29, 1996.

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 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.

June 17, 1996

Michael R. Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 237, filed 2/19/93, effective 3/22/93)

WAC 230-02-035 Field offices and operations. The administrative office of the commission and its staff is located at 649 Woodland Square Loop, S.E., Lacey, WA 98503-8121. The mailing address is: P.O. Box 42400, Olympia, WA 98504-2400. Commission offices located in other cities are as follows:

other cities are as follows:					
City		Telephone Number			
Eastern Region	N 901 Monroe, Rm. 240 Spokane 99201	(509) 456-3167			
	((1031 Broadway Moses Lake 98837	(509) 766-2305			
	901 Summitview, #230,)) 502 W. Nob Hill Blvd. Suite #1, Yakima 98902	(509) 575-2820			
	((500 N. Morain, Suite 1202, Kennewick 99336	 (509) 545 2056))			
	P.O. Box 2067, Wenatchee 98801	(509) 662-0435			
Northwest Region	Fisher Business Center 3500 188th St. SW, Suite 601, Lynnwood 98037	(((206) 356 2968)) (206) 776-675 <u>1</u>			
((King County					
Region	Valley 405 Business Park, 941 Pewell Ave., SW, Suite 103, Renton 98055 851 Coho Way #201 Bellingham 98225	(206) 277 7139)) (360) 738-6203			
Southwest Region	Tacoma Mall Office Building - 4301 Pine St. #307 Tacoma 98409-7206	(206) 593-2227			
	((Suite 5, Angele Plaza 1801 D Street, Vancouver 98663	(360) 696 6783			

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Suite B, 2625C
Parkmont Lane, SW
Olympia 98502 (360) 586-4392))

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-800 Petitions for rule making, amendments, or repeal. (((1))) Any person may petition the commission requesting the adoption, amendment, or repeal of any rule.

- (((2) Where the petition requests the adoption of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.
- (3) The petition must include a small business economic impact statement in accordance with RCW-19.85.040
- (4) All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested adoption, amendment, or repeal, of any rule.
- (5) The commission shall notify the petitioning party within sixty days by (a) denying the petition in writing and stating the reason for denial, or (b) initiate rule making procedures in accordance with chapter 34.05 RCW.
- (6) Any person petitioning the commission requesting the adoption, amendment or repeal of any rules shall generally adhere to the following form for such purpose:
- (a) At the top of the page shall appear the wording "before the Washington state gambling commission." On the left side of the page below the foregoing the following eaption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether adoption, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."
- (b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in ease of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.
- (c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.)) The petition

- should contain sufficient information so that the agency and public can understand the proposal. Every petition for adoption, repeal, or amendment of a rule must include the following information:
- (1) The name of the agency responsible for administering the rule; and
- (2) The rationale for adoption of a new rule or amendment or repeal of an existing rule.
- (3) In addition to any other concerns, you, the petitioner, are encouraged to address whether:
 - (a) The rule is authorized;
 - (b) The rule is needed;
- (c) The rule conflicts with or duplicates other federal, state, or local laws;
- (d) Alternatives to the rule exist that will serve the same purpose at less cost;
- (e) The rule applies differently to public and private entities;
- (f) The rule serves the purposes for which it was adopted;
 - (g) The rule imposes unreasonable costs;
 - (h) The rule is clearly and simply stated; and
- (i) The rule differs, without adequate justification, from a federal law which applies to the same activity or subject matter.
 - (4) When you are:
- (a) Proposing a new rule, the petition should include the test of the proposed rule or a description of its provisions;
- (b) Requesting amendment of an existing rule, the petition should include the name, title, number of the rule, and the text or description of the amendment; or
- (c) Requesting repeal of an existing rule, the petition should include the name, title, number of the rule, and a description of the effects of repealing the rule.
- (5) You, the petitioner, can obtain a standard petition from the office of financial management or any state agency involved in rule making. Agencies must accept petitions submitted using the standard form or in any other format that provides the information described in subsections (1) through (4) of this section.
 - (6) How do I submit a petition?
- (a) Petitions for adoption, amendment, or repeal of a rule must be faxed to (360) 438-8652, or mailed to the following address:

Washington State Gambling Commission

ATTN: Rules Coordinator

PO Box 42400

Olympia, WA 98504-2400

- (b) Submission of a petition is defined as receipt of the petition by the gambling commission.
 - (7) What happens after a petition is submitted?
- (a) Within a reasonable time, the administering agency will send you, the petitioner, acknowledgement of receipt of the petition, including the name and telephone number of a contact person.
- (b) No later than sixty days after receipt of a petition, the agency must either:
- (i) Initiate rule-making proceedings in accordance with chapter 34.05 RCW; or

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- (ii) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the agency must indicate alternative means by which the agency will address the concerns raised in the petition.
- (8) How can I appeal gambling commission denial of my petition?
- (a) Within thirty days of the denial, you, the petitioner, may appeal the denial to the governor.
- (b) The governor will process the appeal according to RCW 34.05.330(2).

WSR 96-13-069 PERMANENT RULES **GAMBLING COMMISSION**

[Order 295—Filed June 18, 1996, 8:43 a.m.]

Date of Adoption: June 14, 1996.

Purpose: To update pull tab dispensing device stan-

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-097.

Statutory Authority for Adoption: RCW 9.46.070 (1), (4), (14), (20).

Adopted under notice filed as WSR 96-10-049 on April 29, 1996.

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 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. June 17, 1996 Michael R. Aoki-Kramer Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

- WAC 230-30-097 Standards—Approved pull tab dispensing devices. Operators may utilize approved pull tab dispensing devices provided that each device meets the following standards:
- (1) Devices must be manufactured by a commission licensed manufacturer.
- (2) Devices shall conspicuously display a stamp, seal, or label identifying its manufacturer and the city and state of its manufacture.
- (3) Devices shall have the manufacturer's serial number for that device stamped or embossed into its case.

- (4) Devices manufactured specifically for the dispensing of perforated window type pull tabs shall meet the following standards:
- (a) Be constructed so that consumers can clearly see each pull tab within the device, except that area at the bottom of the device, not to exceed one inch in height, covered for security or mechanical reasons, and have permanent lines or markings which divide the pull tabs remaining in the device into divisions of approximately twenty-five tabs so that the consumer can determine how many tabs remain within the device; or
- (b) Have a resettable counter visible to the customer indicating the number of pull tabs left in the device.
- (5) Devices manufactured specifically for the dispensing of "jar" or "banded" type pull tabs shall meet the following standards:
- (a) Be constructed so that consumers can clearly see all jar tickets or jar ticket bundles within the device; or
- (b) Have a resettable counter visible to the consumer indicating the number of jar tickets left in the device.
- (6) Devices utilizing bill acceptors or similar devices that do not return change shall clearly disclose that fact to the consumer.

WSR 96-13-074 PERMANENT RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:42 a.m., effective August 1, 1996]

Date of Adoption: June 13, 1996.

Purpose: This modification was necessary to address the determination, alteration, or modification of bargaining units when all or part of state agencies are merged.

Citation of Existing Rules Affected by this Order: Amending WAC 356-42-020.

Statutory Authority for Adoption: Chapter 41.06 RCW. Other Authority: RCW 41.06.150.

Adopted under notice filed as WSR 96-06-059 on March 6, 1996.

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: August 1, 1996.

April [June] 17, 1996 Dennis Karras Secretary

Permanent [40] AMENDATORY SECTION (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

WAC 356-42-020 Determination of bargaining unit.

- (1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the personnel board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.
- (2) Prior to an employee organization petitioning the personnel board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.
- (3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the personnel board to consider modification of the bargaining unit. However, if there is an employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the personnel board. The personnel board may choose to consider such unit modification questions and would act on its own motion as designated in WAC 356-42-020(1).
- (4) In determining a bargaining unit, the personnel board shall consider the following factors:
- (a) Duties, skills and working conditions of the employees.
- (b) History of collective bargaining by the employees and their representatives.
 - (c) Extent of organization among the employees.
 - (d) Desires of the employees.
- (5) Any petition filed hereunder should set forth all pertinent facts and supporting reasons, as comprehensively as possible, to aid the personnel board in its determination.
- (6) At the hearing on a petition, the personnel board shall make an oral determination regarding the proposed action. Thereafter, the board shall enter an appropriate order containing findings of fact and conclusions of law reflecting the oral determination. Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.
- (7) Bargaining units normally shall not include both supervisory and nonsupervisory employees unless such inclusion is justified by application of the criteria identified in subsection (4) of this section. Employees will not be excluded from a bargaining unit based solely on their supervisory status where supervisors have historically been included in the unit.
- (8) Where all or part of a state agency is combined with another agency, the board may determine the continued appropriateness of existing bargaining units affected by that action and modify those units accordingly. The determination of successorship of incumbent exclusive representatives shall be addressed.

WSR 96-13-075 PERMANENT RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:45 a.m., effective August 1, 1996]

Date of Adoption: June 13, 1996.

Purpose: This modification was necessary to clarify situations where shift premium pay is appropriate.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-060.

Statutory Authority for Adoption: Chapter 41.06 RCW. Other Authority: RCW 41.06.150.

Adopted under notice filed as WSR 96-10-064 on May 1, 1996.

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: August 1, 1996.

April [June] 17, 1996 Dennis Karras Secretary

AMENDATORY SECTION (Amending WSR 93-12-086 (Order 419), filed 5/28/93, effective 7/1/93)

- WAC 356-15-060 Shift premium provisions and compensation. (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061.
- (2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.
- (3) Full time employees shall be entitled to basic shift premium under the following circumstances:
- (a) Employees whose assigned hours consist entirely of evening and/or night shifts are entitled to shift premium for all hours of their scheduled evening and/or night shifts and for all additional hours which are worked and compensated.
- (b) Employees are entitled to shift premium for all regularly scheduled workshift hours after 6 p.m. or before 6 a.m.
- (c) Employees assigned to work at least one, but not all, night and/or evening shifts, are entitled to shift premium for those scheduled evening or night shifts, and for all additional hours which are worked and compensated.
- (((d) Employees who regularly work a day shift schedule and who are assigned extended hours are entitled to shift premium for all hours worked after 6 p.m. or before 6 a.m.))

- (4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:
- (a) For all assigned hours of work after 6 p.m. and before 6 a.m.
- (b) For assigned full night or evening shifts, as defined in subsection (2) of this section.
- (5) Monthly shift premium rates: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.
- (6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.
- (7) Payment during leave and for holidays not scheduled to work: Employees eligible for shift premium for their scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their usual scheduled shift.

WSR 96-13-076 PERMANENT RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:47 a.m., effective August 1, 1996]

Date of Adoption: June 13, 1996.

Purpose: These modifications were necessary to be in compliance with the Department of Labor regulations for the Family and Medical Leave Act of 1993.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-05-171; and amending WAC 356-14-260, 356-15-030, 356-18-060, 356-18-080, 356-18-110, 356-18-140, 356-18-145, and 356-18-150.

Statutory Authority for Adoption: Chapter 41.06 RCW. Other Authority: RCW 41.06.150.

Adopted under notice filed as WSR 96-08-082 on April 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 8, repealed 1; 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 8, repealed 1.

Effective Date of Rule: August 1, 1996.

April [June] 17, 1996 Dennis Karras Secretary

REPEALER

WAC 356-05-171 Family

Family and medical leave.

AMENDATORY SECTION (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

WAC 356-14-260 Compensatory time—Liquidation. Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be granted for purposes of WAC 356-18-145, ((Leave without pay—Serious health condition)) Family and Medical Leave Act of 1993, or WAC 356-18-150, ((Leave—))Newborn, adoptive, or foster child care((—Provision)). Compensatory time taken for the situations described in WAC 356-18-145(2) shall not be counted as part of the 12 weeks total absence granted for Family and Medical Leave Act.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

<u>AMENDATORY SECTION</u> (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

- (a) For full-time employees, work in excess of the workshift within the work day.
- (b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).
- (c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other state holiday is overtime work.
 - (d) Work on a scheduled day off.
- (e) Time worked in excess of the 28-day work period by law enforcement positions.
- (2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.
- (3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.
- (4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.
- (a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and

actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

- (b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.
- (c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.
- (d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:
- (i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.
- (ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.
- (iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.
- (5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.
- (a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.
- (b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.
- (c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.
- (d) Accumulated exchange time shall be granted for the purposes of WAC 356-18-145, ((Leave without pay—Serious health condition)) Family and Medical Leave Act of 1993, or WAC 356-18-150, ((Leave—))Newborn, adoptive, or foster child care((—Provision)).

- (e) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.
- (f) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.
- (6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.
- (7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.
- (b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

AMENDATORY SECTION (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

- WAC 356-18-060 Paid sick leave—Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:
- (a) Illness or injury of the employee or for preventative health care.
- (b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.
- (c) Disability of the employee due to pregnancy or childbirth.
- (d) The serious health condition of an eligible employee as provided in WAC 356-18-145.
- (2) Illness of children: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child under the age of eighteen with a health condition requiring treatment or supervision. For the purpose of this subsection, "children" shall be limited to the son or daughter of the employee or the employee's spouse.
- (3) Illness of relatives or household members: For purposes other than serious health condition as provided in subsection (4) of this section, ((U))up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the employee or the employee's spouse who experience an illness or injury. For purposes of this subsection, "relatives" shall be limited to:
 - (a) Spouse.
- (b) Son or daughter, eighteen years of age or over, grandchild, or foster child.

(c) Grandparent or parent.

- (4) ((Accumulated sick leave shall be approved for the purpose of WAC 356-18-145, Leave without pay—Serious health condition.)) Serious health condition of spouse, child or parent: Accumulated sick leave shall be granted when an eligible employee is required to be absent from work to provide care to the employee's spouse, child or parent with a serious health condition as provided in WAC 356-18-145.
- (5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:
 - (a) Spouse.
 - (b) Son, daughter, grandchild, or foster child.
 - (c) Grandparent or parent.
- (6) For purposes of the provisions of subsections (3), (5), and (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

- (7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:
- (a) Death of members of the employee's household or relatives of the employee or the employee's spouse.
- (b) For purposes of the provisions of subsection (7)(a) of this section, "relatives" shall be limited to:
 - (i) Spouse.
- (ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
- (iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.
- (8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)
- (9) Unforeseen family care requirements: Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.
- (10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

AMENDATORY SECTION (Amending WSR 89-06-028 (Order 314), filed 9/24/89 [2/24/89], effective 4/1/89)

WAC 356-18-080 Leave—Worker's compensation. (1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.

- (2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.
- (3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.
- (a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

- (4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment except for employees of the departments of social and health services, corrections and veterans affairs who miss work due to an assault that occurred on the job and are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW. Pay for vacation leave, compensatory time off or exchange time to such employees shall be limited to an amount equal to the amount of their worker's compensation for time loss.
- (5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.
- (6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence.
- (7) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may request such leave be designated, or the agency may designate such leave, in accordance with WAC 356-18-145, Family and Medical Leave Act of 1993.

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

AMENDATORY SECTION (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

WAC 356-18-110 Vacation leave—Allowance. (1) Full-time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are

usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

- (2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis.
- (3) Accumulated vacation leave shall be approved for the serious health condition of the eligible employee, or the eligible employee's spouse, child or parent as provided in ((purposes of)) WAC 356-18-145((, Leave without pay Serious health condition, or WAC 356-18-150, Leave Newborn, adoptive, or foster child care Provision)).
- (4) Accumulated vacation leave shall be approved for newborn, adoptive or foster child care as provided in WAC 356-18-150 and 356-18-145.
- (((4))) (5) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.
- (((5))) (6) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.
- (((6))) (7) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

AMENDATORY SECTION (Amending WSR 95-19-098, filed 9/20/95, effective 11/1/95)

- WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.
- (2) Leave without pay may be authorized for any reasons applicable to:
 - (a) Leave with pay.
 - (b) Educational leave.
- (((e) Newborn or adoptive child care leave as provided in WAC 356-18-150-))
- ((((d))) (c) Military and U.S. Public Health Service and Peace Corps leave.
- (((e))) (d) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority.
- (((f))) <u>(e)</u> Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.
- (((g))) (f) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).
- (3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:
- (a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;
- (b) Authorized government leave not exceeding two years;
- (c) Employees receiving time loss compensation;
- (d) Educational leaves under provisions of WAC 356-39-120;

- (e) <u>Leave for serious health condition for an eligible</u> employee or the employee's spouse, child or parent and ((N))newborn, ((or)) adoptive or foster child care ((leave)) under provisions of WAC 356-18-150 and 356-18-145;
- (f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.
- (g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).
- (4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.
- (5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

AMENDATORY SECTION (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

- WAC 356-18-145 ((Leave without pay—Serious health condition)) Family and Medical Leave Act of 1993. (((1) Pursuant to the federal Family and Medical Leave Act of 1993, a total of 12 work weeks, during any 12 month period, shall be allowed under the following circumstances:))
- (((a) The eligible employee's own serious health condition that prevents the employee from performing the functions of the job; or))
- (((b) Serious health conditions of a parent, spouse or child.))
- (((2) A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:))
- (((a) in-patient care in a hospital, hospice, or residential medical care facility; or))
 - (((b) continuing treatment by a health care provider.))
- (((i) A health eare provider is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or))
- (((ii) any other person determined by the secretary of the department of labor as being capable of providing health care services.))
- (((3) For purposes of this section, the following definitions will apply:))
- (((a) Eligible employee: An employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12 month period.))
- $((\frac{b) Parent: Biological parent or other person that acted as a parent to an employee.}))$
 - (((c) Spouse: Husband or wife.))
- (((d) Child: A biological, adopted, or foster child, a step child, a legal ward, or a child of a person acting as a parent who is:))
 - (((i) Under 18 years of age; or))
- (((ii) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.))

- (1) Benefits provided through state laws and these rules shall not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.
- (2) An eligible employee is an employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12-month period. Pursuant to the Family and Medical Leave Act of 1993, during a 12-month period, a total of 12 work weeks of absence shall be granted to an eligible employee:
- (a) as a result of the employee's serious health condition;
- (b) to care for an employee's parent, spouse or child who has a serious health condition; and/or
- (c) to provide care to an employee's newborn, adopted or foster child as provided in WAC 356-18-150.
- (3) The agency will designate absences which meet the criteria of the Family and Medical Leave Act. Paid or unpaid leave, excluding compensatory time, which is used for that designated absence shall be counted towards the 12 weeks of the Family and Medical Leave Act entitlement.
- (4) The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay shall be in accordance with these rules.
- (5) Employee absence granted for (2)(a) and (b) of this section shall be granted on an intermittent or reduced schedule at the employee's request when medically necessary.
- (6) Following absence granted for the situations in (2) of this section, the employee shall return to the same or equivalent position held prior to the absence.
- (7) The employer shall continue an eligible employee's existing employer-paid health insurance benefits during leave granted in accordance with the Family and Medical Leave Act.
- (8) Each agency shall develop and disseminate a policy specifying the procedures, required information, and time frames for employees to request and use leave in accordance with the state laws, these rules, and the Family and Medical Leave Act of 1993 law and regulations found in Title 29, Part 825 of the Code of Federal Regulations.

<u>AMENDATORY SECTION</u> (Amending WSR 93-19-152 (Order 431), filed 9/22/93, effective 10/23/93)

WAC 356-18-150 ((Leave—))Newborn, adoptive, or foster child care((—Provision)). (1) Leave without pay for ((©))child care ((leave without pay)) shall be authorized to an eligible employee. An eligible employee is a permanent employee or an employee who has worked for the state for 12 months for at least 1,250 hours and who is the parent of a newborn, adopted or foster child((, the adoptive parent, or foster parent of a child)). ((The duration of such leave without pay shall be no more than six months and must be utilized within the first 12 months of birth, adoption or foster child care.))

(2) The employee shall make the request for leave without pay for child care ((leave without pay)) in writing and indicate the duration of the leave. The duration of such leave without pay for child care shall be no more than six months and such leave must be utilized within the first 12

months of birth, adoption or foster child care. The employee shall make every attempt to give the employer at least 30 days' notice, if possible. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with leave without pay for child care ((leave without pay)) authorized in accordance with this section.

(3) If both parents are state employees and both have requested leave under this section, the employers may limit the employees to a total absence of 12 work weeks for child care which they may share.

(((3))) (4) ((Eligible employees are entitled to a minimum of 12 weeks of leave without pay. However, a)) Agencies may deny requests for leave for child care beyond 12 weeks on the basis of operational necessity. ((If both spouses are state employees and both have requested leave under this section, an agency(ies) may limit them to a total of 12 weeks of leave without pay which they may share.)) Denials shall be in writing to the employee and shall inform the employee of the right to petition the director of personnel for review. The director of personnel shall review the petition and may require the agency to authorize the leave for child care.

(((4) The director shall review the petition and may require the agency to authorize the child care leave request.))

- (5) When an agency denies <u>leave for</u> child care ((leave)) under this section, and the director of personnel does not require it, an employee who vacates his/her position for the purpose of <u>leave for</u> child care ((leave)) may request to return to state service. Such employee must notify the department of personnel, within six months of vacating the position, of ((their)) <u>his/her</u> desire to return to work. The department of personnel shall direct the former employing agency to offer the employee the first vacancy in the employee's former class and geographic work location. This offer shall take precedence over all registers except for reduction-in-force registers.
- (6) A total of 12 work weeks of appropriate paid leave or leave without pay in a 12-month period for an eligible employee may be designated under the Family and Medical Leave Act of 1993 for newborn, adoptive, or foster child care or serious health condition or a combination of both as described in WAC 356-18-145. An eligible employee for Family and Medical Leave Act is an employee who has worked for the state for 12 months for at least 1,250 hours and who is the parent of a newborn, adopted, or foster child.

WSR 96-13-077 PERMANENT RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:50 a.m., effective August 1, 1996]

Date of Adoption: June 13, 1996.

Purpose: These modifications were necessary to be in compliance with the Department of Labor regulations for the Family and Medical Leave Act of 1993.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-22-197; and amending WAC 251-22-116, 251-22-167, 251-22-195, and 251-22-200.

Statutory Authority for Adoption: Chapter 41.06 RCW. Other Authority: RCW 41.06.150.

Permanent [46]

Adopted under notice filed as WSR 96-08-081 on April 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 4, repealed 1; 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 4, repealed 1.

Effective Date of Rule: August 1, 1996.

April [June] 17, 1996 Dennis Karras Secretary

AMENDATORY SECTION (Amending WSR 93-14-115, filed 7/2/93, effective 8/5/93)

WAC 251-22-116 Family and Medical Leave Act of 1993. (((1) Pursuant to the Federal Family and Medical Leave Act of 1993, eligible employees shall be entitled to a total of twelve workweeks of leave during any twelve month period for one or more of the following:))

- (((a) Disability leave;))
- (((b) Parental leave;))
- (((e) Family medical leave serious health condition.))
- (((2) Institutions may grant to an employee additional disability leave or parental leave as provided in WAC 251-22-167(11) and 251-22-195 (2)(a):))
- (1) Benefits provided through state laws and these rules shall not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.
- (2) An eligible employee is an employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12-month period. Pursuant to the Family and Medical Leave Act of 1993, during a 12-month period, a total of 12 work weeks of absence shall be granted to an eligible employee:
- (a) as a result of the employee's serious health condition;
- (b) to care for an employee's parent, spouse or child who has a serious health condition; and/or
- (c) to provide care to an employee's newborn, adopted or foster child as provided in WAC 251-22-195.
- (3) The institution will designate absences which meet the criteria of the Family and Medical Leave Act. Paid or unpaid leave, excluding compensatory time, which is used for that designated absence shall be counted towards the 12 weeks of the Family and Medical Leave Act entitlement.
- (4) The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay shall be in accordance with these rules.

- (5) Employee absence granted for (2)(a) and (b) of this section shall be granted on an intermittent or reduced schedule at the employee's request when medically necessary.
- (6) Following absence granted for the situations in (2) of this section, the employee shall return to the same or equivalent position held prior to the absence.
- (7) The employer shall continue an eligible employee's existing employer-paid health insurance benefits during leave granted in accordance with the Family and Medical Leave Act.
- (8) Each institution of higher education and related board shall develop and disseminate a policy specifying the procedures, required information, and time frames for employees to request and use leave in accordance with the state laws, these rules, and the Family and Medical Leave Act of 1993 law and regulations found in Title 29, Part 825 of the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 93-16-061 and 93-14-115, filed 7/29/93 and 7/2/93, effective 8/5/93)

WAC 251-22-167 Disability leave. (1) ((Disability)) ((1)) Leave shall be granted for a reasonable period to a permanent employee who is precluded from performing his/her job duties because of a disability (including those related to pregnancy or childbirth). Disability leave includes a serious health condition of the employee as provided in the federal Family and Medical Leave Act of 1993 and WAC 251-22-116.

- (((2) An employee is entitled to a total of twelve workweeks for disability leave, parental leave, and family medical leave serious health condition during any twelvementh period as provided in WAC 251-22-116.))
- (((3) In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee shall provide not less than thirty days' notice, except that if the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.))
- (((4))) (2) The disability and recovery period shall be as defined and certified by the employee's licensed health care provider. The employee shall provide, in a timely manner, a copy of such certification to the employer.
- (((5) Certification provided under this section shall be sufficient if it states:))
 - (((a) The date on which the condition-commenced;))
 - (((b) The probable duration of the condition;))
- (((e) The appropriate medical facts within the knowledge of the health care provider regarding the condition;))
- (((d) A statement that the employee is unable to perform the essential functions of his/her-position.))
- (((6) The employer may require, at its expense, that the employee obtain the opinion of a second health care provider designated or approved by the employer. The health care provider shall not be employed on a regular basis by the employer.))
- (((7) In any case in which the second opinion differs from the original certification, the employer may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the

employer and the employee. The opinion of the third health eare provider shall be final and binding.))

- (((8) The employer may require that the employee obtain subsequent recertifications on a reasonable basis.))
- (((9))) (3) Disability leave, including leave due to serious health condition per WAC 251-22-116, may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave of absence without pay and shall be granted at the written request of the employee. The combination and use of paid and unpaid leave during a disability leave shall be per the choice of the employee.
- (((10) The institution shall maintain health care coverage during disability leave granted under the provisions of WAC 251-22-116, in accordance with the requirements of the public employees' benefits board. As specified in the federal Family and Medical Leave Act of 1993, the institution may recover the premium for maintaining coverage during the period of unpaid disability leave if the employee does not return to work.))

(((11))) (4) If necessary due to continued disability, the employee shall be allowed to use eight hours of accrued paid leave per month for up to four months, including the twelve workweeks provided in WAC 251-22-116, to provide for continuation of benefits as provided by the public employees' benefits board. The employer shall designate on which day of each month the eight hours paid leave will be used.

AMENDATORY SECTION (Amending WSR 93-16-061 and 93-14-115, filed 7/29/93 and 7/2/93, effective 8/5/93)

- WAC 251-22-195 Parental leave. (1) Parental leave shall be granted to a permanent employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.
- (((2) An employee is entitled to a total of twelve workweeks for disability leave, parental leave, and family medical leave serious health condition during any twelvementh period as provided in WAC 251-22-116.))
- (a) Parental leave shall not total more than four months, including ((the twelve workweeks provided)) any portion covered by Family and Medical Leave Act as specified in WAC 251-22-116, unless additional time is granted by the ((personnel officer)) employer.
- (b) Requests for up to four months of parental leave that exceed the provisions of WAC 251-22-116 may be denied on the basis of operational necessity.
- (c) Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.
- (((3))) (2) The employee shall submit a written request for parental leave to the employing official or designee and must receive the approval of both the employing official and the personnel officer.
- (a) The employee shall provide not less than thirty days' notice, except that if the child's birth or placement requires leave to begin in less than thirty days, the employee shall provide notice as is practicable.
- (b) Within ten working days of the receipt of the request for leave not covered by WAC 251-22-116, the institution shall provide the employee with a written response and, if the leave is denied, rationale supporting the operational

necessity and the notice of the employee's right to appeal per WAC 251-12-076.

- (((4))) (3) Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. The combination and use of paid and unpaid leave during a parental leave shall be per choice of the employee.
- (((5) The institution shall maintain health care coverage during parental leave granted under the provisions of WAC 251-22-116, in accordance with the requirements of the public employees' benefits board. As specified in the federal Family and Medical Leave Act of 1993, the institution may recover the premium for maintaining coverage during the period of unpaid parental leave if the employee does not return to work.))
- (((6))) (4) If necessary due to continued approved parental leave, the employee shall be allowed to use eight hours per month of the accrued paid leave identified in subsection (4) of this section for up to four months, including the twelve workweeks provided in WAC 251-22-116, during a parental leave of absence without pay to provide for continuation of benefits as provided by the public employees' benefits board. The employer shall designate on which day of each month the eight hours paid leave will be used.
- (5) A total of 12 work weeks of appropriate paid leave or leave without pay in a 12-month period for an eligible employee may be designated under the Family and Medical Leave Act for parental leave or serious health condition or a combination of both as described in WAC 251-22-116. An eligible employee for Family and Medical Leave Act is an employee who has worked for the state for 12 months for at least 1,250 hours and who is the parent of a newborn, adopted, or foster child.

REPEALER

WAC 251-22-197 Family medical leave—Serious health condition.

AMENDATORY SECTION (Amending WSR 93-14-115, filed 7/2/93, effective 8/5/93)

WAC 251-22-200 Leave of absence without pay. (1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Disability leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) Parental leave;
- (f) Child care emergencies;
- (g) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130;
- (h) ((Family medical leave-))((s))Serious health condition of an eligible employee's child, spouse, or parent as provided in WAC 251-22-116.
- (2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

- (3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.
- (4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.
- (5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

WSR 96-13-078 PERMANENT RULES PERSONNEL RESOURCES BOARD

[Filed June 18, 1996, 9:56 a.m., effective August 1, 1996]

Date of Adoption: June 13, 1996.

Purpose: This modification was necessary to clarify and reinstate language that was previously removed.

Citation of Existing Rules Affected by this Order: Amending WAC 251-10-030.

Statutory Authority for Adoption: Chapter 41.06 RCW. Other Authority: RCW 41.06.150.

Adopted under notice filed as WSR 96-10-065 on May 1, 1996.

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: August 1, 1996.

April [June] 17, 1996 Dennis Karras Secretary

AMENDATORY SECTION (Amending WSR 93-01-155, filed 12/23/92, effective 2/1/93)

WAC 251-10-030 Layoff. (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work and/or for good faith reorganization for efficiency purposes.

- (2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:
- (a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and
- (b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.
- (3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsections (5) and (6) of this section. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).
- (4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.
- (5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):
- (a) For which he/she meets any specific position requirements;
- (b) Which are comparable, as determined by the personnel officer; and
 - (c) Which are in:
- (i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;
- (ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (5)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

- (6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) of this section shall be offered position(s) as follows:
- (a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:
- (i) At the same level or lower than the class from which the employee is being laid off; and
- (ii) Vacant or held by a provisional, temporary, or probationary employee; and
- (iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.
- (b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).
- (c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

- (d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.
- (7) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.
- (8) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.
- (9) When it is determined that layoffs will occur within a unit, the personnel officer will:
- (a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;
- (b) Advise each employee in writing of available options in lieu of layoff;
- (c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;
- (d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);
- (e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.
- (10) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

WSR 96-13-082 PERMANENT RULES DEPARTMENT OF AGRICULTURE

[Order 5098—Filed June 18, 1996, 1:42 p.m.]

Date of Adoption: June 5, 1996.

Purpose: To establish procedures for fulfilling the requirements of RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

Statutory Authority for Adoption: Chapter 43.05 RCW. Adopted under notice filed as WSR 96-10-080 on May 1, 1996.

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 10, 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 10, 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 10, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 13, 1996

James M. Jesernig

Director

Chapter 16-05 WAC PROCEDURAL RULES FOR LISTS OF ORGANIZATIONS

NEW SECTION

WAC 16-05-001 Statement of purpose. This chapter establishes procedures for fulfilling the Washington department of agriculture requirements under RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

NEW SECTION

WAC 16-05-005 How will the lists be developed? Information concerning the opportunity to be on the department's list of technical assistance providers will be sent to interested parties and organizations identified using current mailing lists and information obtained by department staff. The department will also advertise in select publications, furnishing information on the opportunity to get on the list. Interested companies, individuals and organizations who wish placement on the list will be able to submit their names for inclusion by following the format provided in this chapter.

NEW SECTION

WAC 16-05-010 What does an organization, company or individual have to do to get on the applicable list? An organization, company or individual must write to the Washington state department of agriculture, provide the name of the organization, company or individual, address and telephone number, unified business identifier (UBI) number, authorized agent, a brief description of the type of technical assistance provided, and identify the department program. The document must include the signature of the person requesting his/her name be put on the list or the signature of the authorized agent of the company or organization who requests listing.

NEW SECTION

WAC 16-05-015 Will the department of agriculture approve organizations, companies or individuals who request listing? No, the department will not perform any testing or background checks on requesters for inclusion on the department's technical assistance list.

NEW SECTION

WAC 16-05-020 How often are lists changed or updated? The department will update its technical assistance lists once a year on or around July 1. A new list will be available at that time that reflects any changes requested prior to the annual cutoff date of May 15 for receiving new information. The department will exercise reasonable care

in preparing the list, but the accuracy of the information on the list will be solely the responsibility of the company, organizations and individuals providing the information.

NEW SECTION

WAC 16-05-025 Does an applicant have to reapply each year to stay on the list? No, names will remain on the list until the department receives a written request for change or deletion with the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing. The department may on a periodic basis contact those companies, organizations, or individuals listed in order to update the list.

NEW SECTION

WAC 16-05-030 How do I take my name off the list? The department will remove names of organizations, companies or individuals from the next list upon written request. The request must include complete information the department is to remove including name, address, individuals or any other relevant information. The request must bear the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing.

NEW SECTION

WAC 16-05-035 Each list will include consumer information. The department shall provide on each list consumer information which indicates that customers using the list for referral are encouraged to contact the Better Business Bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Also, persons utilizing the list are encouraged to check references of those on the list before they select an organization, company or individual to perform technical assistance.

NEW SECTION

WAC 16-05-040 The department of agriculture is completely held harmless and not liable. (1) The department will exercise reasonable care to include or delete names upon request if received by the department by May 15 of each year. The list will be published annually on or around July 1st of each year. The department is not responsible for errors on the list. In addition, the inclusion of a name of an individual, company or organization on the list should not be construed as an endorsement by the department.

(2) Any person who is on the list is prohibited from holding themselves out as an employee or agent of the Washington state department of agriculture or suggesting that the department endorses the services provided.

NEW SECTION

WAC 16-05-045 Who to contact for inclusion, exclusion and copies of the list within the department. All requests for inclusion, exclusion and copies of the list should be forwarded to the Washington State Department of Agriculture, Attention: Administrative Regulations Unit,

P.O. Box 42560, Olympia, Washington 98504-2560. Telephone inquiries should be directed to (360) 902-1806.

WSR 96-13-086 PERMANENT RULES THE EVERGREEN STATE COLLEGE

[Filed June 18, 1996, 4:30 p.m.]

Date of Adoption: May 14, 1996.

Purpose: To provide currently enrolled students, faculty, and staff with a process to address grievances related to student conduct.

Citation of Existing Rules Affected by this Order: Repealing WAC 174-120-010 through 174-120-090.

Statutory Authority for Adoption: RCW 28B 40.120(12).

Adopted under notice filed as WSR 96-08-066 on April 3, 1966 [1996].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, 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 8, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, 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 8, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 17, 1996
D. Lee Hoemann
Executive Associate
to the President

NEW SECTION

WAC 174-120-015 Purpose. The purpose of this chapter is to provide currently enrolled students, faculty and staff with a process to address grievances related to student conduct. If the person wishing to file a grievance against a student is not an enrolled student, staff or faculty, but is here at the invitation of the college, they may contact the campus grievance officer, who will decide whether or not to take on the case on behalf of the college. Students at The Evergreen State College enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill the responsibilities incumbent upon all citizens as well as the responsibilities of their particular roles within the academic community. Students may be accountable to civil and criminal authorities and to the college for acts occurring on or off campus which constitute violations of law. Students may be accountable to civil and criminal authorities and to the college for acts occurring on college premises and at college sponsored events.

- WAC 174-120-025 Definitions. For the purposes of these rules the following terms have the meanings indicated:
- (1) "Adjudicative hold" means a notification by the campus grievance officer or vice-president for student affairs that a student will not be allowed to register for classes until he/she gets a clearance from the grievance officer.
- (2) "Binding arbitration" means a process in which parties in conflict submit their differences to the judgment of an impartial third party appointed by the campus mediator with the consent of both parties.
- (3) "Calendar day" means all days of the month not just working days. In cases where a specified due date falls on a weekend or holiday, the working day closest to the date due will be used (i.e., if the tenth day deadline falls on Saturday, the document will be done on Friday).
- (4) "Campus grievance officer" means a faculty or staff person who shall be appointed by and accountable to the vice-president for student affairs. The grievance officer is responsible for determining if violations of this policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in these hearings procedures.
- (5) "College facilities/premises" means property owned, leased, operated, controlled, or supervised by the college.
- (6) "College-sponsored event or activity" means activities or events involving planning or funding or other approved or authorized participation by the college.
- (7) "Default judgment" means a decision made by the trier of fact that, due to the appealing student's failure to appear, the proposed sanctions of the campus grievance officer will be adopted by the trier of fact.
- (8) "Evergreen community" means currently enrolled students and currently employed faculty and staff members.
- (9) "Exception to trier of fact's findings" means a written request by either the campus grievance officer or the student requesting a review of the findings by the reviewing officer.
- (10) "Hearing board" means five community members appointed by and from the different sectors of the college community, which includes one faculty; one classified or exempt staff; and three students; to hear appeals of the campus grievance officer's findings. The vice-president for student affairs shall be responsible for ensuring that hearing board members and their alternates are appointed. The vice-president for student affairs will appoint the chair of the hearing board, who, with technical and clerical assistance of the vice-president for student affair's office, will write and issue the board's finding. An assistant attorney general, an administrative law judge, or any qualified community member may serve as a nonvoting advisor to the hearing board on the hearing process.
- (11) "Housing grievance officer" means the director of housing or his/her designee. The housing grievance officer is responsible for determining if violations of the housing policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in the procedures.
- (12) "Mediator" means an impartial, neutral third party who helps disputants reach their own mutually agreeable settlement. Trained volunteer mediators are available

- through the campus center for mediation services, which also provides telephone conciliation and resource referral. In addition, the dean of student and academic support service is the campus mediator and has been appointed by the vicepresident for student affairs. Any third party may serve as a mediator if mutually agreed upon by the parties in conflict.
- (13) "Preponderance of the evidence" means the greater weight of evidence or evidence more convincing to the mind than not.
- (14) "Reviewing officer" means an individual designated by the president to provide a review of the trier of fact's findings, conclusions, and sanctions, if any.
- (15) "Student" means a person enrolled for any amount of credit at the college. On-leave students, i.e., those admitted but not currently enrolled, may have their enrollment eligibility withdrawn if they do not abide by the student conduct code while on campus and are accountable to civil and criminal authorities.
- (16) "Trier of fact" means the hearing board, administrative law judge, or any other individual(s) designated by the vice-president for student affairs and responsible for hearing appeals of the campus grievance officer's findings and proposed corrective action.

NEW SECTION

- WAC 174-120-035 Student conduct code—Specific examples of student conduct code violations. (1) Academic dishonesty: Cheating, facilitating academic dishonesty and plagiarism are violations of the academic honesty policy and if persistent or severe may be treated as violations of the student conduct code.
- (2) Destroying or damaging property: Intentionally, recklessly and/or persistently destroying or damaging college property or the property of others on college premises or at college-sponsored events.
- (3) Disrupting college functions: Intentionally, recklessly and/or persistently interfering with normal college or college-sponsored activities, including but not limited to studying, teaching, research, college administration, fire, police, emergency services, or public safety.
- (4) Drugs: Using, possessing, or distributing of any controlled substance or illegal drug on college premises or at college-sponsored activities (as defined in the Uniform Controlled Substances Act chapter 69.50 RCW, as amended). Public appearance on campus or at any college-sponsored event while under the influence of illegal drugs will be considered a violation.
- (5) False accusations: Intentionally making false charges against another member of the college community to harass, harm, defame and/or intimidate that individual.
- (6) False alarms: Intentionally causing a false police or fire alarm that involves college property or a college-sponsored event.
- (7) False information: Intentionally providing false information to the college for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any college investigation or hearing.
- (8) Harm/harassment: Discriminating against, sexually harassing, and threatening or intimidating against another person by word or gesture, or physically molesting or assaulting another person which substantially harms or

causes reasonable apprehension of such harm to that person or which is intended to harm him or her. This includes, but is not limited to, physical, psychological or sexual harm/harassment or harassment based on religion, nationality, ability/disability, gender, sexual orientation, racial or ethnic origin, cultural identity or political affiliation. This provision in the codes is intended to protect members of the college community against damage or threat of damage to property and injury or threat of injury to physical person or psychological well-being.

- (9) Hazing: According to chapter 28B.10 RCW hazing is defined as any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.
- (10) Housing contract violations: Violation of residence hall contracts.
- (11) Interfering with the adjudicative process: Harassment of students, faculty or staff involved in the adjudicative process. Violation of any agreement made during the adjudicative process, including but not limited to no-contact orders. Perjury or retaliatory or disruptive behavior will also be grounds for further disciplinary action.
- (12) Liquor: Use, possession, or distribution of liquor on college property. This is not intended to apply to use by students of legal age in a residence or at a college-sponsored event provided the event has an approved alcoholic beverage banquet permit (chapter 174-157 WAC, as amended). However, public appearance on campus or at any college-sponsored event while intoxicated, as defined by state law, will be considered a violation.
- (13) Refusal to desist from prohibited conduct: Refusal of students to desist from conduct prohibited by these rules.
- (14) Smoking: Smoking in an area not designated as a smoking area as defined by college rules. (WAC 174-136-160 to 174-136-170, as amended.)
- (15) Theft or conversion: Deprivation of another's property, including college property or services, without that individual's or the college's authorization.
- (16) Violation of published campus policies: Violation of published campus policies including, but not limited to, the academic honesty policy, the habitation policy, the sexual harassment policy, the discrimination policy, the hazing policy and the pet policy.
- (17) Weapons, firearms, explosives and dangerous chemicals: Firearms and weapons, as defined by state law, are prohibited on campus. Unauthorized use, possession or storage of any explosives, dangerous chemicals, substances or instruments which may be used to inflict bodily harm on another individual or damage upon college premises or at a college-sponsored event are prohibited.

These examples of student conduct code violations are not designed to define violations in exhaustive terms. The student conduct code does not supplant other existing policies.

NEW SECTION

WAC 174-120-045 Student conduct code—Levels of resolution. (1) Voluntary mediation: Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the college encourages voluntary mediation through mediators. The mediators will assist the two parties to reach resolution. If successful, the parties will sign an agreement stating that resolution has been reached. If unsuccessful, both parties may agree to binding arbitration or either party may file a grievance with the campus grievance officer. The accuser may bypass mediation/arbitration and file a complaint directly with the campus grievance officer. If voluntary mediation is not agreed to and the matter is referred to the campus grievance officer, the case becomes a disciplinary matter between the accused and the college. The complainant serves as a witness during the college's presentation of evidence, if a hearing occurs.

- (2) Campus grievance officer review: The basic role of the campus grievance officer is to seek justice and educate the students about their rights and responsibilities. The campus grievance officer is responsible for determining if violations of the student conduct code have occurred, handling investigations in a thorough and timely manner, proposing corrective action on behalf of the college if warranted and for keeping all records specified in these grievance procedures. Exceptions:
- (a) Students presenting imminent danger to others, college property, and/or the educational process may be immediately suspended from the college by the president, vice-president for student affairs, or their designee(s).
- (b) In cases involving violations of the housing contract, the director of housing or his/her designee shall act as the campus grievance officer.

NEW SECTION

WAC 174-120-055 Student conduct code—Grievance officer review process. (1) Reaching a settlement agreement: If the campus grievance officer decides to pursue a case in the name of the college, the student may accept or deny responsibility for the violation. If the student accepts responsibility, she or he may propose a sanction in writing to resolve the case. The campus grievance officer may also propose a sanction. If agreement on responsibility and sanction(s) are reached, the settlement agreement shall be made in writing and signed by the student and the campus grievance officer. The student may withdraw the settlement by submitting a written statement of withdrawal which is received by the office of the vice-president for student affairs within twenty-four hours after being signed by the student.

- (2) Settlement agreement: An agreement on responsibility and sanctions, if appropriate, shall be written and contain:
- (a) A description of the violation for which responsibility is accepted;
 - (b) The agreed upon sanction, if any;
- (c) Signatures of the student and the campus grievance officer.
- (3) Temporary no-contact order: The campus grievance officer may impose a temporary order to restrict contact

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between parties or access to facilities for the duration of the student conduct code grievance and appeals process.

- (4) Failure to respond to the campus grievance officer's request for a meeting: Failure to respond to a request for a meeting will result in an adjudicator hold on a student's registration file and could result in more serious sanctions.
- (5) Decision by campus grievance officer of no cause finding: If the campus grievance officer determines, based on the evidence collected, that the accused has not violated the student conduct code, the accuser may request in writing within twenty calendar days that the vice-president for student affairs review the process and evidence collected by the campus grievance officer. No further review will be allowed if the vice-president for student affairs agrees that the process followed by the campus grievance officer was appropriate and that the act did not constitute a violation of the student conduct code.
- (6) Failure to reach a settlement agreement: If the campus grievance officer is satisfied that sufficient evidence exists to substantiate a violation and if a settlement has not been reached, he/she shall send to the student a notice of the formal charges, recommended corrective action, and the right to a hearing. If a student is not charged with a violation potentially punishable by emergency suspension, he/she must petition the vice-president for student affairs for a formal hearing within twenty calendar days after receipt of the campus grievance officer's charges. If the student fails to petition the vice-president for student affairs for a formal hearing, the recommended disciplinary action shall go into effect (unless emergency suspension has already occurred).

Except in cases of emergency suspension, the student's status at the college shall not be altered until the final opportunity for appeal has passed.

NEW SECTION

WAC 174-120-065 Student conduct code—Formal hearing notice, process and rights. (1) Formal hearings will be subject to the following:

- (a) Students have a right to a fair and impartial hearing on any charge of prohibited conduct and the right to confer with a representative present during the hearing.
- (b) Pursuant to state law, the college president authorizes the vice-president for student affairs to determine the trier of fact.
- (c) Unless the vice-president for student affairs determines otherwise, the trier of fact conducting a formal hearing shall be a hearing board.
- (d) Any such hearing shall be conducted pursuant to state law, RCW 34.05.410 through 34.05.494, as amended or superseded.
- (e) Hearings will be closed to the public and shall be deemed confidential.
- (f) The student may request the presence of his/her representative.
- (g) An open hearing may be held, at the discretion of the trier of fact with the consent of the student.
- (h) In cases of emergency suspension, the process will be modified as set forth in WAC 174-120-075 (Student conduct code—Examples of corrective action).
- (2) Default judgment process: The failure of the appealing party to appear may result in a default judgment.

In cases of default judgment, the student has a minimum of seven calendar days in which to file a written motion requesting that the order be set aside and stating the grounds for this request. The trier of fact must respond to this request in writing within seven calendar days. The student or campus grievance officer may appeal the trier of fact's response to the reviewing officer as set forth in WAC 174-120-080 (6) and (7).

- (3) Hearing process: Notice of the hearing, including a statement of the particular rules involved and matters asserted, shall be provided at least ten calendar days before any hearing. The appealing student and campus grievance officer shall inform each other of witnesses and, if applicable, representatives (through the office of the vice-president for student affairs) at least three calendar days before the hearing. Failure to provide a list of witnesses and/or the name(s) of their representatives at least three calendar days before the hearing will most likely result in disqualification of those witnesses and/or representatives. Both parties may submit brief written position statements to the designated trier of fact. Both parties have the right to:
- (a) Question witnesses and have a representative advise them throughout the process. The parties shall inform each other of their witnesses (with a maximum of one character witness) and representatives at least three calendar days before the hearing. Representatives may not appear in lieu of the student charged.
- (b) Have subpoena(s) issued by the vice-president for student affairs and/or trier of fact, subject to a convincing showing of the general relevance and reasonable scope of the evidence sought.
- (c) Petition for disqualification of a member of the hearing board.
- (d) Challenge any hearing board member based on cause, such as personal bias. The unchallenged hearing board members shall hear the challenge for cause and make a finding. If cause is found, the vice-president for student affairs shall fill the vacancy forthwith. If the hearing board has an advisor, he/she may also challenge a hearing board committee member. Except for petitions for disqualification, hearing board members may be disqualified upon majority vote of the remaining board members.
- (4) The trier(s) of fact should not discuss the case outside of the hearing, and shall base their decision upon the evidence presented at the hearing.
- (5) The burden of proof shall be on the college which must establish, by a preponderance of the evidence, that the student is responsible for a violation of the student conduct code.
- (6) Formal judicial rules of evidence shall not be applicable, nor shall harmless procedural errors necessarily invalidate a decision or proceeding, unless significant prejudice to the rights of the student or the college would result. The trier of fact shall recognize rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs.
- (7) Undue repetitious or irrelevant evidence may be excluded.
 - (8) Illegally obtained evidence cannot be used.

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(9) The trier of fact shall reach a final decision within thirty calendar days of receipt of the petition or within

fifteen calendar days of the close of the hearing, whichever is greater. Decisions of the trier of fact shall be by majority vote of the members present and voting. The trier of fact's written findings and conclusions shall be delivered to the accused student by hand or certified mail to his/her last known address.

NEW SECTION

WAC 174-120-075 Student conduct code—Examples of corrective action. The primary purpose for imposing corrective measures is to educate, deter and protect. Notification of corrective action shall be in writing, and shall indicate the terms of any suspension or termination and any special conditions which must be met before readmission. Students who have been sanctioned are expected to fulfill their sanctions as prescribed. A student who has been sanctioned for violating the student conduct code will be required to complete the sanctions prior to the award of the degree by the board of trustees. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may result in greater corrective measures, such as expulsion or suspension, as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.

- (1) Emergency suspension: Students presenting immediate danger to others, college property, and/or the educational process may be immediately suspended from the college by the president, vice-president for student affairs, or their designee(s). A hearing will be scheduled within twenty calendar days unless otherwise waived by the student. At the hearing, the trier of fact will determine whether or not the summary suspension shall remain in effect throughout the duration of the grievance and appeals process. At the time of the suspension, the student shall be notified in writing if possible, and otherwise orally, of the basis for the emergency suspension and of his/her right to a formal hearing. If oral notification is given at the time of the emergency suspension, written notification shall be delivered or sent to the student's last known address within twentyfour hours. At least three days before the hearing, the grievance officer shall notify the student of her/his findings, proposed sanctions, witnesses to be called at the hearing and, if intended, representative. Except as noted here, the process will be followed as set forth in 174-120-065 (Student conduct code-Formal hearing notice, process and rights).
- (2) Expulsion: Permanent separation from the college and termination of community membership. The student may also be barred from college premises and/or college-sponsored events.
- (3) Probation: A trial period during which the student's conduct is monitored. Any additional violations of the student conduct code during this period may be subject to exceptional disciplinary action.
- (4) Reprimand: Warning(s) that further misconduct may result in more sever sanctions.
- (5) Restitution: Payment may be made to the college or to other persons, groups, or organizations for damages incurred as a result of prohibited conduct.

- (6) Suspension: Temporary dismissal from the college and temporary termination of community membership for a stated period of time, but no longer than one year. The student shall not participate in any college-sponsored activity and may be barred from college premises. Suspension implies that the student may eventually return if evidence or other assurances are presented that convincingly ensure that prohibited conduct will not be repeated.
- (7) Temporary ejection from the premises: Students on college property who willfully refuse to obey an order of the president, the president's designees, or law enforcement officers to desist from conduct prohibited by the college's rules and regulations may be ejected from the premises for a specified period of time not to exceed forty-eight hours. After a temporary ejection takes place, the campus grievance officer will conduct an investigation to determine if a violation of the student conduct code has occurred and, if so, what additional corrective action should be proposed. Refusal to obey the temporary ejection order will subject the student to arrest under state criminal trespass laws, in addition to such other sanctions as may be applicable.
- (8) Other sanctions and conditions for enrollment: Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: A psychological assessment and/or counseling.

NEW SECTION

Procedural appeals. Within ten calendar days of receipt of the trier of fact's findings and conclusions, either the campus grievance officer or the student may submit to the president (L3109, ext. 6100) a written appeal. The president will appoint a reviewing officer who will conduct a procedural review. The reviewing officer will review the written and audio taped record. Within fifteen calendar days of the filing of the appeal, the reviewing officer must render a final written order. No further agency appeal is required or provided.

If the accuser is a victim of conduct which is considered violent, she/he is entitled, according to the Federal Education Rights to Privacy Act, to receive the results of the process, upon request, after the final opportunity for appeal has passed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 174-120-010	Definitions.
WAC 174-120-030	Student conduct code—Specific
	examples of social contract
	violations.
WAC 174-120-040	Student conduct code—
	Corrective action.
WAC 174-120-050	Student conduct code—
	Informal conflict resolution.

WAC 174-120-060 Student conduct code—Grievance officer.

WAC 174-120-070 Student conduct code—Formal hearing notice and rights.

WAC 174-120-080 Student conduct code—Formal procedures.

WAC 174-120-090 Academic appeals.

WSR 96-13-089 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed June 19, 1996, 8:54 a.m.]

Date of Adoption: June 14, 1996.

Purpose: Amend the model traffic ordinance to incorporate legislation enacted in the 1996 legislative session and make administrative revisions.

Citation of Existing Rules Affected by this Order: Amending WAC 308-330-300, 308-330-305, 308-330-307, 308-330-316, and 308-330-400.

Statutory Authority for Adoption: RCW 46.90.010. Adopted under notice filed as WSR 96-10-039 on April 26, 1996.

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 4, 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 5, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 14, 1996

Katherine Baros Friedt

Director

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

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 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.215, 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.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses 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 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.316, 46.16.381, 46.16.390, 46.16.500, 46.16.505, section 11, chapter 225, Laws of 1996, and RCW 46.16.595.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-307 RCW sections adopted—Driver licenses-identicards. 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, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 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, 46.20.750, and 46.20.3101.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

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, 46.37.495, 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 section 12, chapter 225, Laws of 1996.

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

- WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:
- (1) Where a different place is specifically referred to in a given section;
- (2) The provisions of RCW ((46.20.309,)) 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.508 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

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WSR 96-13-010 EMERGENCY RULES OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed June 7, 1996, 9:12 a.m.]

Date of Adoption: June 6, 1996.

Purpose: To provide interim guidance to state agencies and educational institutions on the counting of brokers when determining responsiveness of bids.

Citation of Existing Rules Affected by this Order: Amending WAC 326-02-030, 326-30-051, and 326-40-060.

Statutory Authority for Adoption: RCW 39.19.030(7). Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 69, Laws of 1996, mandates a change in the process by which the determination of the lowest responsive bidder on state contracts is made. The absence of guidance would result in confusion and costly delays in public works contracting at the beginning of the peak construction seasons.

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 3, 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: Immediately.

June 6, 1996 James A. Medina Director

[AMENDATORY SECTION (Amending WSR 94-11-116, filed 5/18/94)]

WAC 326-02-030 Definitions. Words and terms used in this title shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in this title, or the context in which they are used clearly indicates that they should be given some other meaning.

- (1) "Advisory committee" means the advisory committee on minority and women's business enterprises.
- (2) "Broker" means a person that provides a bona fide service, such as professional, technical, consultant, brokerage, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of a contract.
- (((2))) (3) "Certified business" or "certified" means a business or the status of a business that has been examined by the Washington state office of minority and women's

business enterprises and deemed to be a minority business enterprise (MBE), a women's business enterprise (WBE), a minority woman's business enterprise (MWBE), or a combination business enterprise (CBE).

- (((3))) (4) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.
- (((4))) (5) "Combination business enterprise" or "CBE" means a small business concern organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by the office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by the office. The owners must be United States citizens or lawful permanent residents.
- (((5))) (6) "Commercially useful function" means the performance of real and actual services which are integral and necessary in the discharge of any contractual endeavor, and not solely for the purpose of obtaining certification or obtaining credit for participation goal attainment.
- (((6))) (7) "Common industry practices" means those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.
- (((7))) (8) "Conduit" means a certified business which agrees to be named as a subcontractor on a contract in which such certified business does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other noncertified business.
- (((8))) (9) "Contract" means a mutually binding legal relationship including a purchase order, lease, or any modification thereof, obligating the seller to furnish goods or services, (including construction), and the buyer to pay for them.
- (((9))) (10) "Contract by contract basis" means a single contract within a specific class of contracts.
- (((10))) (11) "Contractor" means a party who enters into a contract directly with a state agency or educational institution.
- (((11))) (12) "Corporate-sponsored dealership" means a business that does not meet the requirements for certification but is participating in a program specifically developed by a national or regional corporation to address the present-day issue of lack of opportunities for minorities or women in the dealership industry.
- ((((12)))) (13) "Director" means the director of the office of minority and women's business enterprises.
- (((13))) (14) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.
- (((14))) (15) "Front" means a business which purports to be eligible for certification but is not in fact legitimately owned and controlled by minorities, women, or a combination thereof.
- (((15))) (16) "Goods and/or services" means all goods and services, including professional services.
- $(((\frac{16}{10})))$ "Heavy construction" means construction other than building construction; e.g., highway or street,

sewer and pipeline, railroad, communication and power line, flood control, irrigation, marine, etc.

(((17))) (18) "Joint venture" means a partnership of two or more persons or businesses created to carry out a single business enterprise for profit, for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(((18))) (19) "Legitimately owned and controlled" means that minorities, women, or a combination thereof, own at least fifty-one percent interest in the business (unless the business qualifies as a corporate sponsored dealership under the provisions of subsection (11) of this section and WAC 326-20-050(4)); and the minorities, women, or combination thereof, possess and exercise sufficient expertise specifically in the firm's field of operation to make decisions governing the long-term direction and the day-to-day operations of the firm.

(((19))) (20) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(((20))) (21) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

- (a) Black: Having origins in any of the black racial groups of Africa;
- (b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or
- (d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

(((21))) (22) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by the office. The minority owners must be United States citizens or lawful permanent residents.

(((22))) (23) "Minority women's business enterprise" or "MWBE" means a small-business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority women and is certified by the office. The owners must be United States citizens or lawful permanent residents.

(((23))) (24) "Office" means the office of minority and women's business enterprises of the state of Washington.

(((24))) (25) "Pass-through" means a certified business which buys goods from a noncertified business and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(((25))) (26) "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

(((26))) (27) "Procurement" means the purchase, lease, or rental of any goods or services.

(((27))) (28) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(((28))) (29) "Regular dealer" means a certified business that owns, operates, or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

(((29))) (30) "Services," in the context of "goods and/or services," means all services including, but not limited to, client services, personal services, and purchased services as defined in RCW 39.29.006.

(((30))) (31) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(((31))) (32) "Subcontractor" means a party that indirectly provides goods or services, including but not limited to construction, to a state agency or educational institution through a contractor.

(((32))) (33) "Supplier" means a manufacturer, regular dealer, broker, or packager that (a) provides or furnishes goods or materials; (b) performs a commercially useful function; and (c) is not considered a conduit, front, or pass-through.

(((33))) (34) "Switch business" means a business which was previously owned and controlled by a man, men or non-minorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(((34))) (35) "Women's business enterprise," "womenowned business enterprise," or "WBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by the office. The women owners must be United States citizens or lawful permanent residents.

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

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

[AMENDATORY SECTION (Amending WSR 94-07-064, filed 3/14/94)]

WAC 326-30-051 Counting participation toward agency and educational institution goals. (1) The office will count an agency's or educational institution's expenditures to certified businesses toward goal attainment only

when the work performed by the business on a contract is within the scope of work included in the standard industrial classification (SIC) codes under which the business is listed in the directory of certified businesses published by, or in the records of, the office.

- (2) Prime contractors and consultants.
- (a) Where a certified business performs a commercially useful function in the work of the contract, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (b) Where a certified business is a partner in a joint venture, and the business performs a commercially useful function in the work of the contract, only the dollar value of expenditures to the certified business which is commensurate with its interest in the joint venture will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
 - (3) Subcontractors and subconsultants.
- (a) Where a certified business performs a commercially useful function in the work of a subcontract, the dollar value of expenditures to the business for such work will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (b) Where a certified business is a subcontractor on a heavy construction, highway, or street construction project, expenditures to the certified business shall not be counted toward goal attainment if the business subcontracts more than twenty-five percent of the total amount of its own subcontract to a noncertified business.
 - (4) Suppliers.
- (a) Where a certified business is the manufacturer or a regular dealer of goods or materials required under a contract, one hundred percent of the dollar value of expenditures to the business for such materials or supplies will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (b) Where a certified business is a broker or a packager of goods or materials required under a contract, ((one hundred percent of the dollar value of expenditures to the business for such materials or supplies)) effective June 6, 1996, the value of the goods or materials required will not be counted. Only the actual dollar value of the fee or commission charged or, at the discretion of the office, twenty percent of the dollar value of expenditures to the business, will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (5) Where a certified business is a hauler, trucker, or delivery service, but is not also a regular dealer or the manufacturer of the goods or materials required on the job site, the dollar value of expenditures to the business for fees charged to deliver the goods or materials required will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.
- (6) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value of expenditures to the business for

the fee or commission charged for providing the bonds or insurance will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

(7) Where a certified business is a travel agency((, shipping or transportation broker,)) or other business performing similar functions, twenty percent of the dollar value of expenditures to the business to provide a bona fide service in the procurement of transportation will be counted toward the agency or educational institution's goal attainment according to the certification status of the business.

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

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

[AMENDATORY SECTION (Amending WSR 94-07-064, filed 3/14/94)]

WAC 326-40-060 Determining compliance and counting participation at time of bid opening. (1) When a contract is to be awarded to a certified business that performs a commercially useful function as the prime contractor/consultant/vendor, the total contract value may be counted toward the contract goal according to the certification status of the business as follows: (a) Minority business enterprise (MBE): One hundred percent toward the MBE goal; (b) Women's business enterprise (WBE): One hundred percent toward the WBE goal; (c) Minority woman business enterprise (MWBE): One hundred percent toward the MBE goal or the WBE goal, but not both; (d) Combination business enterprise (CBE): Fifty percent toward the MBE goal and fifty percent toward the WBE goal. This procedure is to be used when the contract contains an either' or goal or separate goal requirements. When the contract contains only an MBE requirement or a WBE requirement, only one-half of the dollar value of the CBE's total participation may be counted toward the single goal. A state agency or educational institution will receive credit for the remaining fifty percent toward its annual goal attainment.

- (2) When a contract is to be awarded to a joint venture that is approved pursuant to WAC 326-40-100, the dollar value of the portion of the work performed by the certified business may be counted, on a percentage basis, toward the contract goal as set forth in subparagraphs (1)(a-d) of this section; provided, the certified business performs a commercially useful function in the work of the contract.
 - (3) Subcontractors and subconsultants.
- (a) When a certified business performs a commercially useful function as a subcontractor or subconsultant, the dollar value of the work performed by the certified business may be counted toward the contract goal as set forth in subparagraphs (1)(a-d) of this section.
- (b) When a certified business is awarded a subcontract on a heavy construction, highway, or street construction project, expenditures to the certified business shall not be counted toward the contract goal if the business subcontracts more than twenty-five percent of the total amount of its own subcontract to a noncertified business.

- (4) Suppliers.
- (a) Where a certified business is the manufacturer or a regular dealer of materials or supplies required under a contract, one hundred percent of the dollar value of the materials or supplies to be provided may be counted toward the contract goal according to the certification status of the business.
- (b) Where a certified business is a broker or a packager of goods, materials, or supplies required under a contract, ((one hundred percent of the dollar value charged for the commercially useful function it performs in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract)) effective June 6, 1996, the value of the goods, materials, or supplies required will not be counted. Only the actual dollar value of the fee or commission charged or, at the discretion of the agency or educational institution, twenty percent of the total dollar value of the goods, materials, or supplies required for performance of the contract, may be counted toward the contract goal according to the certification status of the business.
- (5) Where a certified business is a hauler, trucker, or delivery service, but not also a regular dealer or the manufacturer of the materials or supplies required on the job site, only the dollar value of the fees charged to deliver the materials or supplies required may be counted toward the contract goal according to the certification status of the business.
- (6) Where a certified business is a travel agency, ((shipping or transportation broker,)) or other business performing similar functions, twenty percent of the dollar value charged for providing a bona fide service in the procurement of transportation may be counted toward the contract goal according to the certification status of the business.
- (7) Where a certified business provides bonds or insurance specifically required for the performance of a contract, the dollar value charged for providing the bonds or insurance may be counted toward the contract goal according to the certification status of the business.

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 96-13-019 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife)

[Order 96-61—Filed June 7, 1996, 4:14 p.m.]

Date of Adoption: June 6, 1996. Purpose: Amend game fish rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P; and amending WAC 232-28-619.

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: This regulation opens game fish angling in an area that was previously closed to protect spring chinook. There is a concurrent proposal to reopen the closed salmon fishing area. Spring chinook hatchery needs are projected to be met.

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.

June 6, 1996 Edward P. Manary for Mitch Johnson Commissioner

NEW SECTION

WAC 232-28-61900R Regional exception to permanent game fish rules. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein:

- (1) Except, effective June 8, 1996 until further notice, it is lawful to fish for game fish in the waters of the North Fork Lewis River from Johnson Creek upstream to Colvin Creek.
- (2) Effective immediately through June 15, 1996, it is unlawful to fish for game fish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a a line from the mouth of Mill Creek to a boundary maker on the opposite shore.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900P Regional exceptions to permanent game fish rules (96-11)

WSR 96-13-020 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-62—Filed June 7, 1996, 4:16 p.m., effective June 8, 1996, 12:01 a.m.]

Date of Adoption: June 7, 1996. Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31900K; and amending WAC 220-57-319.

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: Spring chinook hatchery escapement needs are projected to be achieved. Salmon closures and daily limit restrictions are no longer necessary.

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: June 8, 1996, 12:01 a.m.

June 7, 1996 Edward P. Manary for Robert Turner Director

NEW SECTION

WAC 220-57-31900L Lewis River. Notwithstanding the provisions of WAC 220-57-319, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein.

- (1) Effective June 8, 1996 in those waters of the Lewis River downstream from Merwin Dam to the utility lines just upstream from the top of Eagle Island is open to salmon angling, Bag Limit A applies.
- (2) Effective June 8, 1996 in those waters of the Lewis River downstream of the utility lines at the top of Eagle Island to the mouth, Bag Limit A applies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31900K Lewis River. (96-23)

WSR 96-13-026 EMERGENCY RULES FOREST PRACTICES BOARD

[Filed June 10, 1996, 3:35 p.m.]

Date of Adoption: February 14, 1996.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable timber industry.

Citation of Existing Rules Affected by this Order: Amending Title 222 WAC, WAC 222-16-010, 222-16-080, 222-24-030, 222-30-050, 222-30-060, 222-30-070, 222-30-100, 222-38-020 and 222-38-030; and new sections added WAC 222-30-065 and 222-30-075.

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

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: This emergency rule provides protection to the northern spotted owl and the marbled murrelet while the Forest Practices Board conducts the permanent rule adoption process. The northern spotted owl was listed as threatened by the United States Fish and Wildlife Service in July 1990 and by the Washington Wildlife Commission in January 1988. The marbled murrelet was listed in October 1992 and October 1993 respectively.

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 9, 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.

June 10, 1996 Jennifer M. Belcher Commissioner of Public Lands AMENDATORY SECTION (Amending WSR 94-17-033, filed 8/10/94, effective 8/13/94)

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

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

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

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

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

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

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the Forest Practices Board Manual.

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

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

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

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

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

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

"Completion of harvest" means the latest of:

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

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

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

hinder such site preparation or rehabilitation of adjoining lands.

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

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

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

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

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

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

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

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

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

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

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

"Department" means the department of natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clearcuts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization:

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

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

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

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

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

"Historic site" includes:

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

Places associated with a personality important in history;

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

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

Mass wasting;

Surface and road erosion;

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

Large organic debris;

Shading; and

Stream bank and bed stability.

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

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

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties. "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

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

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

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

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

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

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

"Northern spotted owl site center" means the location documented by the department of fish and wildlife for Status 1, 2 or 3 northern spotted owls. The department shall rely upon the department of fish and wildlife for the determination of status based on the following definitions:

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

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

"Occupied marbled murrelet site" means:

- A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:
 - A nest is located; or

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- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
 - Birds circling above the canopy; or

• A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than three hundred feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap greater than three hundred feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

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

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

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

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

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

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

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

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

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

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

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

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

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

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

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

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

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

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

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

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

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

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

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

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

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

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

"Suitable marbled murrelet habitat" means a contiguous forested area with all of the following characteristics:

• Within forty miles of marine waters:

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- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least forty percent of the trees equal to or greater than thirty-two inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and
- Containing at least two nesting platforms per acre.

 Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and fifty feet or more in height above the ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Bald eagle harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.
- (b) Gray wolf harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.
- (c) Grizzly bear harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.
- (d) Mountain caribou harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.
- (e) Oregon silverspot butterfly harvesting, road construction, aerial or ground application of pesticides, or

site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

- (f) Peregrine falcon harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.
- (g) Sandhill crane harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.
- (h) Northern spotted owl harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of ((suitable)) nesting, ((breeding)) roosting, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of fish and wildlife. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.
- ((This rule is intended to be interim and will expire on February 9, 1994. Prior to the above expiration date)) The forest practices board will reconsider the protection of spotted owls based on consideration of advancing science and increased data analysis, as well as the board's landscape planning for wildlife and would be influenced by the completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.
- ((The department shall rely-upon the department of wildlife for the determination of status based on the following definitions:
- Status 1 Pair or reproductive the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.
- Status 2 Two birds, pair status unknown the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.
- Status 3 Resident territorial single—the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., 2 responses in year one and 1 response in year two, for the same general area).))
- (i) Western pond turtle harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.
 - (j) Marbled murrelet.
- (i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.
- (ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

- (iii) Use of aircraft below one thousand three hundred feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.
- (iv) Harvesting within a three hundred foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of seventy-five trees per acre greater than 6 inches dbh; provided that twenty-five of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of two hundred feet and extended to maximum of four hundred feet as long as an average of three hundred feet is maintained.
- (v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.
- (vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below one thousand three hundred feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.
- (vii) Marbled murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.
- (viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.
- (ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.
- (2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner is preferred and shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of fish and wildlife.
- (3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats

essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

- (5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).
- (6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:
- (i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.
- (ii) The delisting of a threatened or endangered species by the Washington wildlife commission.
- (b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:
- (i) Use the best science and management advice available;
 - (ii) Use a landscape approach to wildlife protection;
- (iii) Be designed to avoid the potential for substantial impact to the environment;
- (iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and
- (v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.
- (7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:
- (a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or
- (b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

AMENDATORY SECTION (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

WAC 222-24-030 Road construction. (1) Right of way timber. Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

*(2) Debris burial.

- (a) In permanent road construction, do not bury:
- (i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.
- (ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.
- (iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.
- (b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.
- (3) Compact fills. During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.
- *(4) Stabilize soils. When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.
- *(5) Channel clearance. Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

*(6) Drainage.

- (a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.
- (b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.
- *(7) Moisture conditions. Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

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- *(8) End haul/sidecasts. End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.
- *(9) Waste disposal. When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:
- (a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.
- (b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.
- (10) Disturbance avoidance. Road construction, operation of heavy equipment and blasting shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-050 Felling and bucking. *(1) Falling along water.

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

- (b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.
- (c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

*(2) Bucking in water.

- (a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.
- (b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.
- *(3) Falling near riparian management zones, wetland management zones and setting boundaries. Reasonable care shall be taken to avoid felling trees into

- riparian management zones, wetland management zones and areas outside the harvest unit.
- (4) Falling in selective and partial cuts. Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.
- (5) Disturbance avoidance. Felling and bucking shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

- WAC 222-30-060 Cable yarding. *(1) Type 1, 2 and 3 Waters. No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.
- *(2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.
- *(3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.
- *(4) Yarding in riparian management zones and wetland management zones. Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.
 - (5) Direction of varding.
 - (a) Uphill yarding is preferred.
- (b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.
- *(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.
- (6) Disturbance avoidance. The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

WAC 222-30-065 Helicopter yarding. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) Typed waters and wetlands.

- (a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.
- (b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.
- (c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.
- (d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.
- (e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.
 - *(2) Riparian management zone.
- (a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.
- (b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.
- (c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.
 - *(3) Wetlands management zones.
- (a) Logging will be permitted within wetland management zones.
- (b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.
- (c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.
- *(4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.
- *(5) Moisture conditions. Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.
- (6) Protection of residual timber. Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.
 - *(7) Skid trail construction.

- (a) Skid trails shall be kept to the minimum feasible width.
- (b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.
- (c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.
- *(8) Skid trail maintenance. Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.
- *(9) Slope restrictions. Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.
- (10) Disturbance avoidance. The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

- WAC 222-30-075 Timber and rock hauling. The following limits on timber hauling shall apply within 0.25 mile northern spotted owl site center between March 1 and August 31:
- (1) At all times of the day vehicle speed shall be limited to fifteen miles per hour; and
- (2) Timber and rock hauling shall be limited to one hour after official sunrise to one hour before official sunset; and
- (3) All reasonable attempts shall be made to minimize traffic within suitable habitat, attempt to route traffic through nonhabitat.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-100 Slash disposal or prescribed burning. (1) Slash disposal techniques:

- *(a) Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: Provided, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.
- (b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian manage-

ment zones, soil, residual timber, public resources, and other property.

- *(c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.
- (2) Slash isolation, reduction, or abatement is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).
- (3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*(4) Removing slash and debris from streams.

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

*(5) Fire trails.

- (a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.
- (b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.
- (c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands. When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.
- (6) Disturbance avoidance. Burning shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

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

WAC 222-38-020 Handling, storage, and application of pesticides. *(1) No pesticide leakage, contamination, pollution.

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

*(2) Mixing and loading areas.

- (a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.
- (b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.
- (c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

- *(3) **Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.
- *(4) Wetland management zone. Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

*(5) Aerial application of pesticides.

- (a) To keep pesticides out of the water, leave a 50 foot buffer strip on all typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs.
- (b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.
- (c) Use a bucket or spray device capable of immediate shutoff.
- (d) Shut off spray equipment during turns and over open water.
- (e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.
- (f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an overflight of the area shall be made by the pilot with the marked photos or maps.
- (g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.
- (h) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

*(6) Ground application of pesticides with power equipment.

Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

*(7) Hand application of pesticides.

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

- *(8) Limitations on application. Pesticides shall be applied only in accordance with all limitations:
- (a) Printed on the United States Environmental Protection Agency container registration label, and/or

- (b) Established by regulation of the state department of agriculture.
- (c) Established by state and local health departments (in municipal watersheds).
- (d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.
- (e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.
- *(9) Container disposal. Pesticide containers shall be either:
- (a) Removed from the forest and disposed of in the manner consistent with label directions; or
- (b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.
- *(10) Daily records aerial application of pesticides. On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.
- *(11) Reporting of spills. All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

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

- •WAC 222-38-030 Handling, storage, and application of fertilizers. *(1) Storage and loading areas. Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.
- *(2) Riparian management zone. Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.
- *(3) Wetland management zone. Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.
 - *(4) Aerial application of fertilizer.
- (a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.
- (b) Leave a 25 foot buffer on all Type 1, 2, and 3 Waters, except as noted in (f) of this subsection.
- (c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.
- (d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

- (e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an overflight of the area shall be made by the pilot with the marked photos or maps.
- (f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.
- (g) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.
- *(5) Ground and hand application of fertilizers. Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.
- *(6) Reporting of fertilizer spills. All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

WSR 96-13-041 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-78—Filed June 12, 1996, 1:18 p.m.]

Date of Adoption: June 12, 1996.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500I.

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: Sufficient amounts of spot prawns are available for harvest to take the nontreaty allotment. There is insufficient time to promulgate a permanent rule.

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.

June 12, 1996
Bruce Crawford
for Robert Turner
Director

NEW SECTION

WAC 220-56-32500I Shrimp and crab—Hood Canal. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective immediately until further notice it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

- (1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following date: June 16, 1996
- (2) No shrimp fisher may use more than one shrimp pot on any one day. All shrimp pots must conform to the Hood Canal shrimp pot requirements set forth in WAC 220-56-320(4). It shall be unlawful for the owner/operator of any boat to have on board more than four shrimp pots at any time or to allow more than four pots to be fished from one boat. A boat is defined as a vessel in the water from which shrimp pots are set and pulled. No shrimp fishers may leave shrimp fishing gear in the water after 1:00 p.m. June 16, 1996
- (3) All unattended shrimp gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.
- (4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed. It is unlawful for more than four limits to be on board a boat at any one time.
- (5) The use of all crab pot gear is prohibited. No crab fisher may use more than two ring nets or two star traps, or more than one ring net and one star trap. No crab fisher may set or pull ring nets or star traps between one hour after official sunset to one hour before official sunrise.
- (6) All unattended crab gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:00 p.m. June 16, 1996:

WAC 220-56-32500I Shrimp and crab—Hood Canal. (96-78)

WSR 96-13-047 EMERGENCY RULES BUILDING CODE COUNCIL

[Filed June 13, 1996, 1:55 p.m.]

Date of Adoption: June 12, 1996.

Purpose: Emergency adoption of amendments to the 1994 Editions of the Uniform Mechanical Code, Sections 1118 and 1119, and the Uniform Fire Code, Sections 6308 and 6309, relating to the discharge of ammonia refrigerant.

Citation of Existing Rules Affected by this Order: Amending chapters 51-32 and 51-34 WAC.

Statutory Authority for Adoption: RCW 19.27.074.

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 State Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of certain council rules is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington state amendments to the Uniform Mechanical Code (UMC) and Uniform Fire Code (UFC) contained herein as adopted by the council under emergency rule making pursuant to RCW 34.05.350, will provide economic relief to the agricultural industry by allowing alternative methods of ammonia discharge treatment in cold storage facilities. At the present time, over one hundred twenty construction projects are being delayed in anticipation of a resolution to this problem. Immediate adoption of this amendment is necessary so as to not further delay the construction of cold storage facilities essential to this year's harvest, and so as not to adversely affect the position of the state's agricultural industry in the marketplace.

Under current rules in the UMC and UFC, mechanical system requirements for ammonia discharge treatment would result in undue expense. The council finds this to be an economic burden on the agricultural industry, which will result in an increase in cost of fruits, vegetables and other products which are dependent upon cold storage. This increased cost would inhibit the ability of the state's agricultural industry to compete in the national and international markets, and would create higher food costs for this state's consumers, and would put this season's crop at risk.

The council appointed a technical advisory group (TAG) comprised of building officials, fire officials, members of the agricultural industry, mechanical systems engineers, cold storage facility owners and operators, and chaired by the council's fire chief representative. The TAG developed the language in the amendment contained herein. This amendment takes into consideration the health and safety of the public. In order to provide immediate relief, the council finds it necessary to adopt the amendment as an emergency rule. The council also directs the TAG to actively undertake

the appropriate procedures to adopt the amendment as a permanent rule.

The council process for amendment of this rule was initiated by the action of the 1996 legislature and Governor Mike Lowry. The 1996 legislature passed by unanimous vote SHB 2936. The language of the bill is as follows:

"AN ACT Relating to fruit and vegetable storage; adding a new section to chapter 19.27 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

<u>NEW SECTION.</u> Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

- (1) Cold storage warehouses and controlled atmosphere storage warehouses used to store fruit or vegetables are not required to comply with any requirements of sections 1118 and 1119 of the uniform mechanical code, as adopted by the state building code council, or sections 6308 and 6309 of the uniform fire code, as adopted by the state building code council, or with any requirements of local amendments adopted to these sections of the uniform mechanical code and uniform fire code.
- (2) The state building code council shall adopt rules consistent with this section."

Governor Mike Lowry, on March 30, 1996, vetoed the bill, with the provision that the council "take appropriate action immediately" to resolve this issue. The veto message reads as follows:

I am returning herewith, without my approval, Substitute House Bill No. 2936 entitled:

'AN ACT Relating to fruit and vegetable storage;'

Substitute House Bill No. 2936 attempts to resolve a highly complex and technical issue regarding regulation of ammonia refrigerants. It would exempt refrigeration systems using ammonia in cold storage and controlled atmosphere warehouses used to store fruit and vegetables from certain portions of the Uniform Mechanical Code and the Uniform Fire Code, as adopted by the Building Code Council.

In general, I believe the interests of the public and of the legislature are best served if these issues are handled through the Building Code Council. The council has a grasp of the technical issues associated with code policies that neither the legislature nor the governor possess. The Building Code Council was, in fact, created to minimize the need to address highly technical building code issues in the legislative arena. The existing process should be used.

Process notwithstanding, I am not convinced that the health and safety of the public will be adequately protected if Substitute House Bill No. 2936 become law. If these types of refrigeration systems are exempt from code requirements, densely populated areas could be exposed to an unacceptable risk of ammonia gas releases in case of fire or other mishap.

However, I do not believe the specific mitigation that has been required in some instances under the 1994 Building Code is necessary to protect the health and safety of the public. In rural, sparsely populated areas of the state, sparsely populated by definition, a release of ammonia into the atmosphere would not seem to pose a hazard in many instances.

I believe that an opportunity exists to address the concerns which resulted in this bill and to ensure that public safety issues receive adequate attention in the state building code. Therefore, I am directing the Building Code Council to examine the issues raised in this legislation and to take appropriate action immediately to include drafting amendments to the current state mechanical and fire codes.

I am impressed by the fruit and vegetable storage industry's 95 year record of safe use of ammonia as a refrigerant. This record should be considered as the Building Code Council and other interested parties proceed to examine this issue.

For these reasons, I have vetoed Substitute House Bill No. 2936 in its entirety."

The current state mechanical code and state fire code include by reference the 1994 Uniform Mechanical Code (UMC) and 1994 Uniform Fire Code (UFC) respectively. The 1994 UMC and 1994 UFC have nearly identical requirements for ammonia discharge treatment, where in the previous versions those requirements were contained only in the UFC. This resulted in inconsistent enforcement of ammonia refrigerant discharge treatment requirements. The 1994 UMC and 1994 UFC require either that a costly prescribed ammonia discharge treatment system be installed or that an engineering analysis be submitted which demonstrates that significant fire, health, or environmental hazard would not result from an atmospheric release of the ammonia. The Washington state amendments adopted by this emergency rule will allow for other viable alternatives to be submitted to the building and fire officials for consideration when new cold storage systems are being constructed.

The council therefore adopts emergency rules under RCW 34.05.350 Emergency rules and amendments, which are proposed below.

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 4, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 12, 1996 James R. Beaver Chair

Uniform Mechanical Code, Sections 1118 and 1119

[NEW SECTION]

WAC 52-32-1118 Special Discharge Requirements

1118.1 General. Systems containing other than Group Al or Bl refrigerants shall discharge to atmosphere only through

an approved flaring device. For treatment system requirements, see also the Fire Code.

Exceptions:

- 1. Ammonia systems complying with Section 1119.
- Ammonia absorption systems serving a single dwelling unit.
- 3. When the building official determines upon review of a rational engineering analysis that significant fire, health or environmental hazard would not result from the proposed atmospheric release.
- Lithium bromide absorption system using water as the refrigerant.
- 1118.2 Design Requirements. Flaring devices shall be designed to incinerate the entire discharge. The products of refrigerant incineration shall not pose health or environmental hazards. Incineration shall be automatic upon initiation of discharge, shall be designed to prevent blowback and shall not expose structures or materials to threat of fire. Standby fuel, such as LP-gas, and standby power shall have the capacity to operate for one and one half the required time for complete incineration of the charge.
- 1118.3 Testing. Flaring systems shall be tested to demonstrate their safety and effectiveness. A report from an approved agency shall be submitted detailing the emission products from the system as installed.

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

Reviser's note: The section above was filed by the agency as WAC 52-32-1118. However, the other rules for the Building Code Council are found in Title 51 WAC. The section above appears to be WAC 51-32-1118, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

[NEW SECTION]

WAC 52-32-1119 Ammonia Discharge

Emergency discharge for ammonia refrigeration systems shall be in accordance with either Section 1119.1 or Section 1119.2.

1119.1 Ammonia systems shall be provided with an emergency discharge into a tank of water provided exclusively for ammonia absorption. Such systems shall meet national standards.

Exception: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors provided that the discharge is shielded and dispersed.

1119.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Building Official upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Building Official may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

- Quantity and rate of material expected to be discharged.
- 2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
- 3. Emergency response planning.
- 4. Design benefits limiting discharge.

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

Reviser's note: The section above was filed by the agency as WAC 52-32-1119. However, the other rules for the Building Code Council are found in Title 51 WAC. The section above appears to be WAC 51-32-1119, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

Uniform Fire Code, Sections 6308 and 6309

[NEW SECTION]

WAC 52-34-6308 Special Discharge Requirements

6308.1 General.

6308.1.1 Applicability. Refrigeration systems which are designed to discharge refrigerant vapor to atmosphere shall be provided with an approved treatment or flaring system when required by Section 6308.1. Also see Section 6314.1.

Exceptions:

- 1. Ammonia systems complying with Section 6309.
- Ammonia absorption systems serving a single dwelling unit.
- 3. When the building official determines upon review of a rational engineering analysis that significant fire, health or environmental hazard would not result from the proposed atmospheric release.
- 4. Lithium bromide absorption system using water as the refrigerant.
- 6308.1.2 Toxic and highly toxic refrigerants. Systems containing refrigerants which are toxic or highly toxic shall discharge vapor to atmosphere only through an approved treatment system. Treatment systems shall be in accordance with Sections 8003.3.1.3.5.1, 8003.3.1.3.5.2 and 8003.3.1.3.5.3.
- **6308.1.3 Flammable refrigerants.** Systems containing refrigerants which are flammable shall discharge vapor to the atmosphere only through an approve treatment or flaring system. Flaring systems shall be in accordance with Section 6308.2.
- 6308.2 Flaring System Design Requirements. Flaring systems for incineration of flammable refrigerants shall be designed to incinerate the entire discharge, the products of refrigerant incineration shall not pose health or environmental hazards. Incineration shall be automatic upon initiation of discharge, shall be designed to prevent blowback, and shall not expose structures or materials to threat of fire. Standby fuel, such as LP-gas, and standby power shall have the capacity to operate for one and one half the required time for complete incineration of refrigerant in the system.

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

Reviser's note: The section above was filed by the agency as WAC 52-34-6308. However, the other rules for the Building Code Council are found in Title 51 WAC. The section above appears to be WAC 51-34-6308, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

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 52-34-6309 Ammonia Discharge

Emergency discharge for ammonia refrigeration systems shall be in accordance with either Section 6309.1 or Section 6309.2.

6309.1 Ammonia refrigeration systems shall be provided with an emergency discharge into a tank of water provided exclusively for ammonia absorption. Such systems shall meet national standards.

Exception: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors provided that the discharge is shielded and dispersed.

6309.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Chief upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Chief may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

- Quantity and rate of material expected to be discharged.
- Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
- 3. Emergency response planning.
- 4. Design benefits limiting discharge.

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

Reviser's note: The section above was filed by the agency as WAC 52-34-6309. However, the other rules for the Building Code Council are found in Title 51 WAC. The section above appears to be WAC 51-34-6309, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

WSR 96-13-048 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 634-Filed June 13, 1996, 2:00 p.m.]

Date of Adoption: June 12, 1996.

Purpose: Establish regions of extra fire hazard which are closed to entry due to the condition of the forest slash. Statutory Authority for Adoption: RCW 76.04.305.

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: Certain areas of the state are particularly exposed to fire danger due to the continuous acres of slash. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

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 0, repealed 0.

Effective Date of Rule: Immediately.

June 12, 1996 Kaleen Cottingham Department Supervisor

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Jennifer M. Belcher, Commissioner

NOTICE OF DECLARATION OF AREAS OF EXTREME FIRE HAZARD

NEW SECTION

WAC 332-26-040 Central region closures. Lewis County: Township 14 North, Range 3 East: all Section 23; all Section 25; all Section 27; all Section 35. Township 14 North, Range 5 East: all Section 18; all Section 19. Township 14 North, Range 5 East: W1/2 & SW1/4 SE1/4 Section 20; W1/2 & W1/2 E1/2 Section 29.

Grays Harbor County: Township 15 North, Range 4 West: all of Section 12. Township 15 North, Range 4 West all Section 7; all Section 8; pt. of Section 9 south of Chehalis River and north of Harris County Road; pt of Section 10 north of Harris County Road and South of Chehalis River.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Saturday June 15, 1996 to midnight Tuesday October 15, 1996.

JENNIFER M. BELCHER Commissioner of Public Lands

NEW SECTION

WAC 332-26-050 Northwest region closures. Whatcom County: Township 40 North, Range 6 East: Section 17 NE1/4; Section 35 S1/2 NE1/4, N1/2 SE1/4; Section 36 S1/2 except NE1/4 SE1/4. Township 39 North, Range 7 East: Section 17 W1/2, SE1/4; Section 18 NW1/4, N1/2 SW1/4, SE1/4; Section 20 E1/2 NE1/4, E1/2 SW1/4 NE1/4. Township 39 North, Range 6 East: Section 1 N1/2 NW1/4, SE1/4 NE1/4; Section 13 S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 NW1/4. Township 37 North, Range 3 East: Section 25 SE1/4.

Skagit County: Township 36 North, Range 9 East: Section 17 NW1/4 NW1/4; Section 18 E1/2, SE1/4 NW1/4, N1/2 SW1/2; Section 19 N1/2 NE1/4, SE1/4 NE1/4; Section 30 ALL except NE1/4 and E1/2 E1/2 NW1/4; Section 31 NW1/4, NW1/4 NE1/4, N1/2 SW1/4. Township 36 North, Range 8 East: Section 22 NW1/4, N1/2 SE1/4, NE1/4; Section 31 ALL except Baker Lake Hwy; Section 33 SE1/4 SW1/4; Section 34 S1/2 NW1/4, N1/2 SW1/4; Section 35 NW1/4 NW1/4. Township 35 North, Range 11 East: Section 11 SW1/4 North of Cascade River Rd; Section 14 ALL; Section 15 N1/2 North of Cascade River Rd, S1/2 South of Cascade River Park; Section 17 S1/2; Section 18 S1/2 SE1/4, W1/2 SW1/4; Section 19 ALL; Section 20 NE1/4, N1/2 SW1/4, SE1/4; Section 21 N1/2, N1/2 S1/2; Section 22 N1/2 NE1/4, NW1/4, N1/2 SW1/4; Section 29 E1/2 NW1/4, SE1/4. Township 35 North, Range 10 East: Section 13 E1/2 SE1/4; Section 23 SE1/4 SE1/4 SE1/4; Section 24 W1/2 NW1/4, NE1/4, SE1/4, SW1/4 except the NW1/4; Section 25 NW1/4; Section 26 NE1/4 South of Rockport-Cascade Rd, SE1/4, SW1/4 South of Rockport-Cascade Rd; Section 27 SE1/4 South of Rockport-Cascade Rd; Section 33 NE1/4 NE1/4, S1/2 NE1/4, S1/2 South of Rockport-Cascade Rd; Section 34 SW1/4 SW1/4 South of 635 Rd, NE1/4 except SW1/4; Section 35 N1/2 NE1/4, NW1/4 except SE1/4, N1/2 SW1/4. Township 35 North, Range 9 East: Section 15 S1/2 NW1/4, S1/2 N1/2 NW1/4; Section 16 NE1/4, E1/2 NW1/4, NE1/4 NW1/4 NW1/4, NE1/4 SW1/4; Section 17 N1/2, SE1/4 SW1/4, SW1/4 SW1/4; Section 18 N1/2 NE1/4, SW1/4 NE1/4, SE1/4 SE1/4, W1/2 SE1/4, NE1/4 SW1/4, E1/2 NW1/4, SW1/4

NW1/4; Section 20 SW1/4; Section 29 ALL; Section 30 ALL; Section 31 ALL; Section 32 ALL; Section 33 SW1/4. Township 35 North, Range 8 East: Section 3 NW1/4; Section 4 NW1/4; Section 5 ALL except S1/2 SW1/4; Section 6 N1/2 except SW1/4 NW1/4; Section 27 S1/2 S1/2; Section 28 SE1/4 SE1/4; Section 32 SE1/4 NW1/4, S1/2 except NW1/4 SE1/4; Section 34 ALL; Section 35 ALL. Township 35 North, Range 7 East: Section 19 NE1/4, S1/2 NW1/4, NE1/4 NW1/4; Section 20 SW1/4, SW1/4 NE1/4. Township 35 North, Range 5 East: Section 3 NW1/4 NE1/4, N1/2 NW1/4; Section 4 N1/2, N3/4 SE1/4, NE1/4 SW1/4, N1/2 SE1/4 SW1/4, NW1/4 SW1/4; Section 5 E1/2 NE1/4, NE1/4 NE1/4 SE1/4. Township 34 North, Range 10 East: Section 2 SW1/4; Section 3 ALL except SW1/4; Section 4 NE1/4 South of powerline, W1/2 NW1/4, N1/2 SW1/4 South of powerline, N1/2 SE1/4; Section 5 ALL except SE1/4; Section 6 S1/2 NE1/4, SE1/4 NW1/4 except NW1/4 SE1/4 NW1/4; Section 7 ALL except NE1/4 NE1/4 and NW1/4 SW1/4; Section 8 E1/2 NE1/4 East of powerline, N1/2 SE1/4; Section 17 West of powerline; Section 18 NE1/4, E1/2 SE1/4; Section 19 NE1/4 West of powerline; Section 30 SE1/4, W1/2 SE1/4 West of Sauk Valley Rd; Section 31 E1/2 West of Sauk Valley Rd. Township 34 North, Range 9 East: Section 3 S1/2 NE1/4, NW1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4, NW1/4 SW1/4; Section 4 ALL except NE1/4 NE1/4; Section 5 N1/2; Section 11 W1/2 West of Sauk Valley Rd; Section 13 SW1/4, S1/2 NW1/4; Section 14 ALL; Section 23 ALL; Section 26 ALL; Section 35 NE1/4. Township 33 North, Range 5 East: Section 19 NW1/4, SW1/4 NE1/4. Township 33 North, Range 4 East; Section 10 ALL except N1/4 and W1/4; Section 11 S1/2, NE1/4; Section 13 ALL except N1/2 N1/2 NW1/4; Section 14 ALL except S1/2 NW1/4, W1/2 SE1/4, NE1/4 SW1/4; Section 15 N1/4, SE1/4; Section 24 N1/2.

Snohomish County: Township 32 North, Range 7 East: Section 27 ALL; Section 28 ALL.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the Region and to radio and television stations serving the Region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry protection of the area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective tentatively midnight Saturday, June 15, 1996 to midnight Tuesday, October 15, 1996.

[21] Emergency

JENNIFER M. BELCHER Commissioner of Public Lands

NEW SECTION

WAC 332-26-060 South Puget Sound closures. King County: Township 21 North, Range 11 East: All Section 25; All Section 27; All Section 29; All Section 31; All Section 33; All Section 35. Township 20 North, Range 9 East: All Section 21; All Section 27; All Section 29; All Section 31; All Section 33. Township 20 North, Range 10 East: All Section 1; All Section 31; All Section 33. Township 20 North, Range 11 East: All Section 1; All Section 3; All Section 5; S1/2, Section 7; All Section 9; All Section 11; All Section 13; All Section 15; All Section 16; All Section 17; All Section 21; All Section 23; All Section 25; All Section 27; All Section 33; All Section 35. Township 20 North, Range 12 East: All Section 27; All Section 35. Township 19 North, Range 11 East: All Section 7; All Section 17; All Section 19; All Section 21; All Section 31; All Section 33. Township 19 North, Range 10 East: All Section 1; All Section 3; All Section 5; All Section 7; All Section 9; All Section 11; All Section 13; All Section 15; All Section 17; N1/2, Section 19; N1/2, Section 21; All Section 23. Township 19 North, Range 9 East: All Section 1; All Section 12; part Section 13.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the region and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor. Effective midnight, Saturday June 15, 1996 to midnight, Tuesday October 15, 1996.

JENNIFER BELCHER
Commissioner of Public Lands

WSR 96-13-052 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-79—Filed June 14, 1996, 8:28 a.m., effective July 1, 1996]

Date of Adoption: June 13, 1996. Purpose: Amend personal use rules.

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 coho salmon will be released into Tarboo Lake. These fish are not needed for escapement and recreational opportunity is available. There is insufficient time to promulgate a permanent rule.

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: July 1, 1996.

June 13, 1996 Robert Turner Director

NEW SECTION

WAC 220-56-10300A Definitions—Landlocked chinook and coho. Notwithstanding the provisions of WAC 220-56-103, effective July 1, 1996, until further notice chinook and coho salmon taken from the waters of Tarboo Lake (Jefferson Co.) are defined as landlocked.

WSR 96-13-071 EMERGENCY RULES GAMBLING COMMISSION

[Order 296—Filed June 18, 1996, 8:45 a.m.]

Date of Adoption: June 14, 1996.

Purpose: To authorize the director to enter into agreements with public card room licensees, subject to commission approval, to test regulatory requirements implementing amendments made to RCW 9.46.0281, social card game definition.

Statutory Authority for Adoption: RCW 9.46.0281, 9.46.070 (1), (2), (4)-(8), (11), (12), (14), (20).

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: Legislative amendments to RCW 9.46.0281 became effective June 6, 1996. The amendments were intended to provide public card room licensees the opportunity to have up to fifteen tables, to collect fees in different ways, and to act as custodians for player-supported progressive prize funds.

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 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 1, 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.

June 17, 1996 Michael R. Aoki-Kramer Rules and Policy Coordinator

NEW SECTION

WAC 230-40-999 Public card room enhancement program—Pilot study and test. The 1996 legislature enacted changes to the definition of a social card game, set forth in RCW 9.46.0281. The commission finds it to be in the public interest to conduct a pilot study to test regulatory provisions implementing the 1996 statutory changes. The statutory changes include increasing the number of card tables, authorizing licensed card room operators to act as custodians of player-supported progressive prize contests, and collecting fees through methods other than fees based on a period of time played. Licensees may voluntarily participate in the test subject to the following terms and conditions:

- (1) The test shall commence July 1, 1996, and conclude June 30, 1997, or until such time as permanent rules are adopted, whichever is later. By March 1997, commission staff shall report to the commission on the progress of the test and shall submit rules for formal implementation of the public card room enhancement program with the goal of formal implementation by July 1, 1997.
- (2) The licensee shall enter into an agreement with the director regarding the terms and conditions of the test for that particular licensee. If the terms and conditions of the agreement conflict with existing gambling commission rules, the agreement will supersede for the duration of the test;

- (3) The terms and conditions of each agreement shall be submitted to the Commission and when approved shall be binding on the licensee. Any violation of the agreement shall be grounds for removal from the test.
- (4) The licensee must have been operating a class "E-1" through "E-5" card room either before June 6, 1996, or for at least six months before implementing test scope of activities:
- (5) The non-refundable deposit required to participate in the test shall be based on amounts necessary to cover the commission's cost to conduct the test. During the test, participants may be assessed additional amounts necessary to recover commission costs. As part of the application to participate, applicants shall make the following deposits:
- (a) The deposit for testing an increased number of tables shall be those set forth in WAC 230-04-203 (\$3,160), plus:
 - (i) Six through ten tables: \$1,200 per table; or
- (ii) Eleven through fifteen tables: \$6,000, plus \$1,500 per table;
- (b) The deposit for testing player-supported progressive prize contests shall be \$1,020 plus:
- (i) One through three prize contests: \$240 per contest; or
- (ii) Greater than three contests: \$720 plus \$120 per contest.
- (c) The deposit for testing fee collection methods other than fees based on a period of time shall be \$1,020 plus:
 - (i) One through five tables: \$120 per table;
- (ii) Six through ten tables: \$600 plus \$240 per table; or
- (iii) Greater than ten tables: \$1,800 plus \$360 per table.
- (7) In the event a licensee violates the terms of its agreement or fails to pay assessments within seven days of billing, the director shall have the authority to remove that licensee from participation in the test. Upon removal from the test, the licensee will return to its pre-test scope of activities. Removal from the test shall not be subject to review or appeal.

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 96-13-084 EMERGENCY RULES PUBLIC DISCLOSURE COMMISSION

[Filed June 18, 1996, 3:00 p.m., effective June 28, 1996]

Date of Adoption: May 28, 1996.

Purpose: Amend the summary contribution and expenditure form (C-4).

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-041 Forms—Summary of total contributions and expenditures.

Statutory Authority for Adoption: RCW 42.17.370(1). 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: Public interest will be served by having political committees prominently disclose on the front of their periodic campaign expenditure reports whether they have made any independent expenditures during the reporting period. Without this change, information concerning independent expenditure would likely not come to light until after the election.

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: June 28, 1996.

June 18, 1996 Melissa Warheit Executive Director

AMENDATORY SECTION (Amending WSR 94-05-011, filed 2/3/94)

- WAC 390-16-041 Forms—Summary of total contributions and expenditures. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4", revised ((11/93)) 6/96, and includes Schedule A, revised 11/93, Schedule B, revised 11/93, Schedule C, revised 3/93, and Schedule L, revised 11/93.
- (2) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised 11/93.
- (3) Copies of these forms are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

Emergency [24]

RECEIPTS Indidate or On mittee Name (Do not abbreviate. Use full name.)	S AND EXF	EPORT PENDITURE	C4	PDC OFFICE USE P M O A S R T K
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у	Zip + 4	Office Sought (Candidates)	· · · · ·	E V E D
port From: (last C-4). To: (end	of period)			
riod vered		is this your <u>final</u> repor	t? Yes	_ No
CEIPTS				
Previous total cash and in kind a tributions (From line 8, tast C (If beginning a new campalgn or a lendar year, see instruction to the control of the	:-4) ocoklet)			·······
2. Cash received (From line 2, Schedule				
3. In kind contributions received (From line 1, shedule B)				
4. Total Cash and in kind contributions received this period (Line 2		,		
5. Loan principal repayments made (From line 2, Scheds L)		<u>l</u>		
6. Corrections (From line 1 or 3, Schedule C)		Show + or (-)		
7. Net adjustments this period (Combine line 5 & 6)		***************************************	Show +	or (-)
•				
Total cash and in kind contributions during campaign (Combine	mies 4 a 7)			
9. Total pledge payments due (From line 2, Schedule B)				
(PENDITURES				
10. Previous total cash and in kind expenditures (From line 17, last			****************	·······
(If beginning a new campaign or calendar year, see instruction to	booklet)			
11. Total cash expenditures (From line 4, Schedule A or line 5, Sch	edule A-s/I)			
12. In kind expenditures (goods & services) (From line 1, Schedule	B)			
13. Total cash and in kind expenditures made this period (Line 11 p	lus line 12)			
14. Loan principal repayments made (From line 2, Schedule L))	
15. Corrections (From line 2 or 3, Schedule C)		Show + or (-)		
16. Net adjustments this period (Combine lines 14 & 15)	***************************************		Show +	or (·)
17. Total cash and in kind expenditures during campaign (Combine	lines 10, 13 and 16)			•••••••
				
ANDIDATES Please complete: CAS	H SUMMARY			
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Primary election	• 18 snouta equal you		our perty cash bang	
General election 🔲 🔲 🔲 19. L	iabilities: (Sum of loan	s and debts owed)	***************************************	
reasurer's Daytime Telephone No.:	Dalaasa (Swallin oo da)	liab) // ina 48 minus line 40)		•
20.6	parance (Surplus of 06)	licit) (Line 18 minus line 19)	***************************************	
· ·				
ERTIFICATION: I certify that the information herein and on accomp	anying schedules and	attachments is true to the best of	my knowledge.	





Please consult PDC instruction manuals when completing this report.

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE

Each candidate and political committee using Full Reporting.

FILING DATES

- 1) File Wth C-1 (Registration) if you received contributions or made expenditures before registering.
- 2) File on the 13th of each month if contributions or expenditures were over \$200 since last C-4 was filed. (Note: Nese 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - ♦ 21 days prior to the election
 - ♦ 7 days prior to the exction
 - ♦ 10th of the first month fter the election*

(*Not required after primary from candidate; who will be in the general election or from continuing political committees.)

4) <u>File final report</u> when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-re-month report.

All reports are considered filed as on the postmark date or the date hand-delivered to PDC.

WHERE TO SEND REPORTS

Send original C-4 reports along with any attachments to DC at the above address.

Candidates send a duplicate copy to their County Auditor (County Elections Department).

Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

(Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees check with City Clerk legarding any local filing requirement.)

[26]

CASH RECEIPTS AND EXPENDITURE

Candidate or Committee Name (Do not abbreviate. Use full name.)

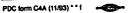
	A
SCHEDULE	Δ
to C4	$\boldsymbol{\wedge}$
10 04	(11/93)

CASH RECEIPTS (Contributions) Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total déposits
2. TOTAL CASH RECEIPTS					Enter also on line 2 of C	
When reporting payme If expenditures are many tion, use code "V" and	ind or earmar ate or commit ints to vendors de directly or l	ced contributions to a cand ee in the Description block for travel expenses, identi-	idate or committee of ; fy the traveller and tr person or entity for so ttached sheet: name	r independent expanditures avel purpose in the Descrip sliciting signatures on a sta and address of each perso	that benefit a candid tion block; and tewlde initiative or ref	ate or commit-
CODE DEFINITIONS ON REVERSE	C L B N O	Contributions (monetary, Independent Expenditure: Literature, Brochures, Price Broadcast Advertising (Randon Periodica) Other Advertising (yard several Signature Gathering	n-kind & transfers) s nting adio, TV) al Advertising igns, buttons, etc.)	P - Postage, N S - Surveys ar F - Fundraisin T - Travel, Ao M - Managem W - Wages, S	Mailing Permits and Polls g Event Expenses commodations, Meals ent/Consulting Servi alaries, Benefits operation and Overhe	Ces .
column on the first list	ne below.	han \$50 by date paid, nan	e and address of ver	. Add up these expenditure	d amount.	•

c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

ate Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	·
			Total from attached p	ages
	YDENDITI IDES		Enter also on line 11	of C4

4. TOTAL CASH EXPENDITURES



CODE DEFINITIONS ON REVERSE

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS your campaign legally makes to other camapigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES (those expenditures that benefit other candidates or committees but are made independently of them). Put an "i" in the Code column and fully describe purpose.
- LITERATURE. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTIS-ING. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.

- F FUNDRAISING EVENTS. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SER-VICES. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.
 Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

IN	KIND	CONTRIBUTIONS, PLEDGES, ORDERS	5,
		DEBTS, OBLIGATIONS	

SCHEDULE B (11/83)

	Contributor's Name and Address	s, discounts, etc.) Description of Contribution	Fair Market	Aggregate	P	G	If \$100 or more, Employer
Date Received		·	Value	Total	R-	K	Name, City, State & Occup.
					\vdash		1
		<u> </u>			00	cup	ation
			,				
					00	cup	ation
					L		
	,						
•		TOTAL					•
	Check here if additional pages are attached (Enter a	also on line 3 and line 12 of C4)			o	cup	pation
0 DI EDCES E	ECEIVED BUT NOT YET PAID. List each	pledge of \$100.00 or more.	l	 	PR	Ģ	T T
2. PLEDGES F Date Notified	Name and Address of	f Pledge Maker	Fair Market	Aggregate Total		E N	If \$100 or more, Employer Name, City, State & Occup
of Pledge	,		Value	lotai	L	l	Marie, City, State & Cocop
				-	00	cup	pation
					-]
	I TOT	'Al (include new niednes above	t .				
	☐ Check here if additional an	AL (include new pledges above d all other outstanding pledges.			٦	SCI IF	nation
	Check here if additional an pages are attached	d all other outstanding pledges. (Enter also on line 9 of C4)		1 1 2 2 2 2 S			pation
	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give esti	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E	Exclude loans. Repo	nt loans on So			
a listeach c	Check here if additional an pages are attached	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00.		nt loans on So			
a. List each o	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is made, obligation or estimated expenditure that is made.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan		on loans on So		ule l	
a listeach c	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estimated expenditure that is meaning the children of estimated expenditure that is meaning the children of estimated expenditure.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is made, obligation or estimated expenditure that is made.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is made, obligation or estimated expenditure that is made.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
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a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
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a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)
a. Ust each of b. List each of Expenditure	Check here if additional an pages are attached ACED, DEBTS, OBLIGATIONS. (Give estilebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt, obligation or estimated expenditure that is melebt.)	d all other outstanding pledges. (Enter also on line 9 of C4) mate if actual amount not know. E ore than \$250.00. ore than \$50.00 and has been oustan	ding for over 30 days.		ched	ule l	L-)

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS your campaign legally makes to other camapigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- INDEPENDENT EXPENDITURES (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- LITERATURE. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTIS-ING. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.

- FUNDRAISING EVENTS. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SER-VICES. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.
 Use "G" for general campaign operating
 expenses and overhead, including filing fees,
 miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of
 office equipment and furniture for the campaign.

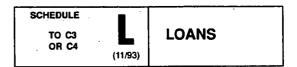
	CORRECTIONS	[SCHEDULE C	
Candidate or Committee Name (Do not abbreviate. Use full name.)		to C4 Date)
1 CONTRIBUTIONS AND	RECEIPTS (Include mathematical corrections.)			
Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
	·			
		Total corr Enter on line	ections to contributions 6 of C4. Show + or (-).	
	de mathematical corrections.) Vendor's 's name or description of correction	Amount	Corrected	Difference
Date of report	Vehicut 3 3 mains of decempes of extreme	reported	amount	(+ or -)
		·		
			!	
			rections to expenditures 15 of C4. Show + or (-).	
3. REFUNDS FROM VEN and reported on C3 rep	IDORS. The below listed amounts have been received as refu	nds on expenditures	previously reported. The re	efund has been deposit
Date of ' refund	Source/person making i	efund		Amount of refund
	•	•		į
		Enter as (-)	Total refunds on line 6 & line 15 of C4.	

PDC form C4C (3/93) **!

LOANS	See Instructions and examples on reverse				SCHEDULE TO C3 OR C4	(11/93)	
Candidate or co	mmittee name	. 1		:		(11150)	
1. LOAN REC	CEIVED. (Loans are considered contributions and	are	sui	oject to any applicable	le limit.)		
Date loaned	Lender's name and address	P	G	Amount of loan	Annual interest rate	Repayment schedule	Date due
		ľ					
		L	L		•	·	
ı	Also include this amo on line 1c, C3 rep	unt cort	>		. '		1
Name and Addre	ss of Each Loan Endorser, Co-signer	F	Ģ	Amount Liable For	Aggregate Total	If Total Contributed is Endorser's Occupatio	\$100 or More, Show
•		۳				State of E	
Check here if	continued on attached sheet.	L	_			٠.	
	MENTS. (Candidates may be repaid amount loa	ned	or s	3.000 per election. v	hich ever is less. Se	l e instruction manual fo	r details.)
Date paid	Lender's name and address			Principal paid	- Interest paid	Total payment	Balance owed
			•				
	•						
	T-1-10 to 1-1-10						
	Total Principal P Enter also on lines 5 and 14, C-4 rep.	ald ort)	>	•			
		,	Ent	or an an expenditure	Total Payments >	•	·
3. LOAN FOR	CIVEN						
Date	Lender's name and address			Original amount	Principal repaid	Amount forgiven	Balance owed
				,			
4. LOAN STIL	LL OWED. (List each loan which has previously	bee	n re	ported and still has a	a balance due.)		
Date	Lender's name and address			,	Original amount	Principal repaid or forgiven	Amount owed,
	·					ļ	
				•			
						0	
				Na	l ew loans received du	Subtot ring this reporting perio	
				146		a une roperang politi	· · · · · · · · · · · · · · · · · · ·
	☐ Check here if continued on attached sheet.				(Include in tot	Total Loans Owe al on line 19, C-4 repor	d t)
					fundada iii tot		7

Emergency





Please consult PDC instruction manuals when completing this schedule.

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE

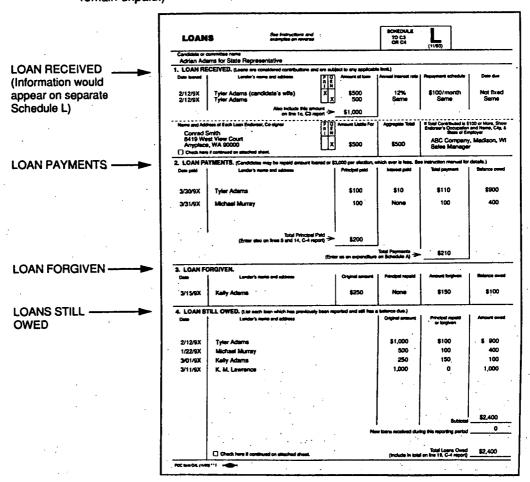
Each candidate and political committee using full reporting that receives one or more campaign loans..

FILING DATES

When a loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

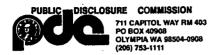
When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and <u>file the schedule with</u> each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)



	PO BOX 40908 OLYMPIA WA 98504-0908			REPO	ni NDITURES	_		·		· · · · ·	
Candidate or Committee	(206) 753-1111 e Name (Do not abbreviate, Inclu		19 AUI	DEAPE	uni i ake2		ABB PA	P N	!	OFFICE US	Ε
							(11/93)	S F		٠.	
ailing Address /		•						E C		:	
ity			Zip + 4		Office Sought (Candid	lates)		V W D			
PERIOD COVER	ED BY REPORT: From:				_ To:				Final Repo	ort: Yes	No.
a. Candidates: in which the	: Start of campaign through t election occurred.	he end of the mo	nth		c. Continuing Co	ommittees the month	filing post-ei in which elect	lection r lion occu	eport: Jan rred.	uary 1	
b. Ballot Meas of the month	ure Committees: Start of ca in which the election occurre	ımpaign through (ed.	the end		d. Continuing Co (January 1 thro	ommittees ough Decen	filing annual nber 31).	report:	Calendar y	ear	
RECEIPTS			-		.						
a. Cash on han	d from previous campaign or	r year									
	oney in checking, savings ar)	••••••••••••							
(Include m	utions received this campalg onetary contributions, loans, contributions by a candidate)	fund raising	***************************************	••••••							•
c. Total cash re-	ceipts (Add lines 2a + 2b)		***************************************				·				
(Include ca	outions, including in-kind andidate's and committee wo es, donated goods and servi paid by others and similar no	coo									
e. Total contribu	ıtions (Add lines 2c + 2d)										

<u> </u>											
	·				······································						•
	litures				······································						•
Cash expend Other expend Non-cash c	ditures. (Enter the amount shooting	nown on line 2d al	bove here,		······································						
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a. Cash expend b. Other expend Non-cash o Disregard a c. Total expendi	ditures. (Enter the amount she contributions are listed as bo any materials which may rem ditures (Add lines 3a + 3b)	nown on line 2d al th received and e nain on hand.)	bove here.		······································						
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a. Cash expend b. Other expend Non-cash of Disregard a c. Total expendi a. Cash on hand b. Debts and ob c. Surplus or de	ditures. (Enter the amount shootributions are listed as both any materials which may remitures (Add lines 3a + 3b) CIT d at end of reporting period (in the state of th	Subtract: line 3a	from 2c)	posed Na	me not on ballot						
b. Other expend Non-cash of Disregard at a c. Total expending the complete of	ditures. (Enter the amount shootributions are listed as both any materials which may remove the state of the	Subtract: line 3a	from 2c)	posed Na	me not on ballot			nittee)		Dat	





ABBREVIATED RECEIPTS & EXPENDITURES REPORT

Please consult PDC instruction manuals when completing this report.

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE

Each candidate and political committee using Abbreviated Reporting.

FILING DATES

- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
- 2) Candidates who <u>lose</u> in the primary and political committees supporting or opposing primary election ballot issues file on <u>October 10</u>.
- 3) Candidates who are in the general election and political committees making expenditures supporting or opposing general election candidates or ballot measures file on <u>December 10</u>.
- 4) Continuing political committees not taking part in elections during a year file annual reports on <u>January 10</u> cover the preceding calendar year.
- 5) <u>A final report</u> is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.
- All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

WHERE TO FILE

Send original C-4 ABB report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

(Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees check with city clerk regarding any local filing requirement.)

PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 403 PO BOX 40908 OLYMPIA WA 98504-0908 OLYMPIA WA 98504-0908 RECEIPTS AND EXPENDI	TIIDES PDC OFFICE USE
Candidate or Committee Name (Do not abbreviate. Include full name)	<u> </u>
Mailing Address City	(6/36)
Zip + 4 Office Sought (Candidates) . For	PACs Only*: During this report period, did the committee
Report From (last C-4) To (end of period) Final Report? make contr	a an <u>independent expenditure</u> (i.e., an expense not considered ibution) supporting or opposing a state or local candidate?
Covered Yes No] *Sec	e reverse side. Yes No
Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campalgn or calendar year, see instruction booklet)	
Cash received (From line 2, Schedule A)	
In kind contributions received (From line 1, Schedule B)	
4. Total cash and in kind contributions received this period (Line 2 plus 3)	
5. Loan principal repayments made (From line 2, Schedule L))
6. Corrections (From line 1 or 3, Schedule C)Show + or(-)	
7. Net adjustments this period (Combine line 5 & 6)	Show + or(-)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)	
Total pledge payments due (From line 2, Schedule B)	
EXPENDITURES	
10. Previous total cash and in kind expenditures (From line 17, last C-4)(If beginning a new campalgn or calendar year, see instruction booklet)	
11. Total cash expenditures (From line 4, Schedule A)	
12. In kInd expenditures (goods & services) (From line 1, Schedule B)	
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)	
14. Loan principal repayments made (From line 2, Schedule L))
15. Corrections (From line 2 or 3, Schedule C)Show + or (-)	
16. Net adjustments this period (Combine lines 14 & 15)	Show + or (-)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)	
CANDIDATES ONLY Name not Name Not	
General election	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
reasurer's Daytime Telephone No.:	owed) ()
·	8 minus line 19)
ERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true a Candidate's Signature Date Treasurer's Sign	
Treasurer's Sign	nature Date
DC form C-4 (6/96)**1 SEE INSTRUCTIONS ON REVERS	E





SUMMARY OF RECEIPTS AND EXPENDITURES

Please consult PDC instruction manuals when completing this report.

Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

WHO MUST FILE

Each candidate and political committee using Full Reporting.

FILING DATES

- File with C-1 or C-1pc (Registration form) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - · 21 days prior to the election
 - 7 days prior to the election
 - · 10th of the first month after the election see note below

(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)

4) <u>File final report</u> when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

.All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

WHERE TO SEND REPORTS

Send original C-4 reports, along with all schedules and attachments, to PDC. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.

*FOR PACS ONLY

The question posed near the top of the front side of this form regarding independent expenditures only applies to PAC filers. The following filers DO NOT need to answer the question:

- · Candidates for state or local office;
- · Bona fide political party committees;
- · Caucus political committees; and
- Ballot issue committees that neither contribute to candidates, nor make independent expenditures regarding them.

All other Political Committees and PACs must respond to the question!

If the response is "yes," the independent expenditure(s) MUST be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:

- · the date of the expense;
- · the name and address of the vendor or recipient of the funds;
- · if using Schedule A, an "I" in the Code column;
- · the name and office sought of the candidate supported or opposed;
- · an indication of support or opposition; and
- a brief description of the expense (e.g., brochure mailed to absentee voters).

[37]

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

WSR 96-13-085 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-82—Filed June 18, 1996, 3:35 p.m., effective June 22, 1996, 9:00 a.m.]

Date of Adoption: June 18, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500J; and amending WAC 220-56-325.

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: Sufficient amounts of spot prawns are available for harvest to take the nontreaty allotment. There is insufficient time to promulgate a permanent rule.

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: June 22, 1996, 9:00 a.m.

June 18, 1996
Bruce A. Crawford
for Robert Turner
Director

NEW SECTION

WAC 220-56-32500J Shrimp and crab—Hood Canal. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective immediately until further notice it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following date: June 22, 1996:

- (2) No shrimp fisher may use more than one shrimp pot on any one day. All shrimp pots must conform to the Hood Canal shrimp pot requirements set forth in WAC 220-56-320(4). It shall be unlawful for the owner/operator of any boat to have on board more than four shrimp pots at any time or to allow more than four pots to be fished from one boat. A boat is defined as a vessel in the water from which shrimp pots are set and pulled. No shrimp fishers may leave shrimp fishing gear in the water after 1:00 p.m. June 22, 1996.
- (3) All unattended shrimp gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.
- (4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed. It is unlawful for more than four limits to be on board a boat at any one time.
- (5) The use of all crab pot gear is prohibited. No crab fisher may use more than two ring nets or two star traps, or more than one ring net and one star trap. No crab fisher may set or pull ring nets or star traps between one hour after official sunset to one hour before official sunrise.
- (6) All unattended crab gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:00 p.m. June 22, 1996:

WAC 220-56-32500J

Shrimp and crab— Hood Canal. (96-82)

WSR 96-13-005 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Memorandum-June 3, 1996]

The Washington State Department of Community, Trade and Economic Development plans to hold a public hearing on the proposed Washington state plan for the 1997 Low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, July 25, 1996, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 4th Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:00 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 25, 1996. Written testimony should be sent to the attention of Bruce Yasutake, Energy Services Section, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

The state plan is available in alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Bruce Yasutake, or TDD (360) 753-2200.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 586-0498 or brucey@cted.wa.gov.

WSR 96-13-006 NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum-June 6, 1996]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 20, 1996, 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 96-13-012 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF GENERAL ADMINISTRATION

(Capitol Campus Design Advisory Committee)
[Memorandum—June 6, 1996]

Please record the following additional Capitol Campus Design Advisory Committee 1996 meeting date in the Washington State Register: Thursday, August 1.

The meeting will begin at 9:30 a.m. in Room 207, General Administration Building.

Please also publish notice of cancellation of the special June 19, 1996, Capitol Campus Design Advisory Committee meeting.

If you have any questions, please contact Judy Bernthal at 586-7348.

WSR 96-13-013 NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum-June 5, 1996]

BOARD OF TRUSTEES
EDMONDS COMMUNITY COLLEGE
NOTICE OF MEETINGS
TO MEDIA/OTHER

The Edmonds Community College (EdCC) board of trustees may attend the following functions during the month of June:

June 14, 1996* 7 p.m.	EdCC Graduation Ceremony Seaview Gymnasium and Room 119 19906 68th Avenue West Lynnwood, WA
June 17, 1996* 4:00 p.m.	Orientation VIP Social Triton Union Building, Room 202 20200 68th Avenue West Lynnwood, WA
June 17, 1996 4:30 p.m.	EdCC Board of Trustees Meeting Sno-King Building, Boardroom 103 6600 196th S.W. Lynnwood, WA 98036
June 18, 1996* 5-7 p.m.	Reception for Jack Oharah and Gary Oertli Battelle Institute 4000 N.E. 41st Street Seattle, WA

*These events are being scheduled as special meetings where no action will be taken.

WSR 96-13-014 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum—June 3, 1996]

The Seattle Community College District board of trustees have changed their regular scheduled meeting of June 4, 1996, to June 11, 1996. A work session will begin at 5:00 p.m. and the regular meeting at 6:00 p.m.

It will be held at the Duwamish Apprenticeship and Training Center, 6770 East Marginal Way South, Seattle, WA 98108.

WSR 96-13-024 NOTICE OF PUBLIC MEETINGS FOREST PRACTICES BOARD

[Memorandum—June 10, 1996]

MARBLED MURRELET COMMITTEE

PARTICIPANTS: Judy Turpin Cassie Phillips

Stu Trefry

Dick Battin Tom Robinson Don Haring

LOCATION, DATES AND TIMES:

Natural Resources B	uilding, Olympia	
Monday, June 24	9:00 - 1:00	Room 461
Friday, June 28	1:00 - 5:00	Room 432
Wednesday, July 3	1:00 - 5:00	Room 432
Monday, July 22	9:00 - 1:00	Room 461
Monday, August 12	1:00 - 5:00	Room 432

SCHEDULED BY: Debbie Roper

(360) 902-1413

Note: These meetings are board committee work sessions. No public comment will be taken.

WSR 96-13-025 NOTICE OF PUBLIC MEETINGS TRANSPORTATION IMPROVEMENT BOARD

[Memorandum-June 7, 1996]

MEETING NOTICE FOR JUNE 1996 TRANSPORTATION IMPROVEMENT BOARD **OLYMPIA. WASHINGTON 98504-0901**

Public Transportation Subcommittee, 10:00 a.m. - 11:30 a.m., Thursday, June 27, 1996, at the King County Courthouse, Room 1200, Southwest Conference Room, 516 Third Avenue, Seattle.

Increase Subcommittee, 10:00 a.m. - noon, Thursday, June 27, 1996, at the Radisson Hotel Seattle Airport, 17001 Pacific Highway South, Seattle.

Bus Tour of Seattle/King County projects, 1:00 p.m. - 5:00 p.m. Meet at the Radisson Hotel.

Work Session, 7:00 p.m., Thursday, June 27, 1996, at the Radisson Hotel.

Board Meeting, 9:00 a.m. Friday, June 28, 1996, at the Radisson Hotel.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by June 17, 1996.

The next scheduled meeting is July 26, 1996, in Pasco. A notice with further detail of the July meeting will be mailed July 5, 1996.

WSR 96-13-029 RULES OF COURT STATE SUPREME COURT

[June 6, 1996]

IN THE MATTER OF THE ADOPTION) ORDER OF THE AMENDMENTS TO RAP 15.4 (b)(c); RAP 15.5 AND RAP 15.6 NO. 25700-A-581

The Office of Public Defense Advisory Committee having recommended the emergency adoption of amendments to RAP 15.4 (b)(c), RAP 15.5 and RAP 15.6, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and

further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publica-

DATED at Olympia, Washington, this 6th day of June, 1996.

	Durham, C. J.
Dolliver, J.	Madsen, J.
Smith, J.	Talmadge, J.
Guy, J.	Alexander, J.
Johnson, J.	Sanders, J.

RAP 15.4

CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY GR 9(d) Cover Sheet

- (1) Background: The 1996 legislature established an Office of Public Defense to administer all state indigent defense funds, including the responsibility to pay all claims for payment of expenses for indigent parties, a responsibility currently assigned to the Supreme Court under Title 15 of the Rules of Appellate Procedure. The transfer of responsibility is effective July 1, 1996. The purpose of the proposed amendments to RAP 15.4, 15.5 and 15.6 is to ensure that the Rules of Appellate Procedure do not conflict with the legislation transferring these duties.
- (2) Purpose: Rule 15.4 outlines how a claimant submits an invoice for payment of expenses from the indigent defense fund. The proposed amendments do not change this process. Instead, one amendment adds language requiring invoices filed in both appellate courts to be forwarded to the Office of Public Defense for payment and the second amendment adds a section describing the different reporting procedure already in place for the providers in Division I Court of Appeals. The changes should have no impact on persons submitting invoices.
 - (3) Washington State Bar Association Action: None
- (4) Supporting Materials: Substitute Senate Bill 6189 establishing the Office of Public Defense.
- (5) Spokesperson: John Skimas, Chair, OPD Advisory Committee
 - (6) Hearing: Not recommended

RULE 15.4 CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

(a) Conditions for Payment. The expenses for an indigent party which are necessarily incident to review by an appellate court will be paid from public funds only if:

- (1) An order of indigency is included in the record on review; and
- (2) An order properly authorizes the expense claimed; and
- (3) The claim is made by filing four copies of an invoice in the form and manner and within the time provided by this rule.
- (b) Invoice Generally. Each invoice must include the appellate court caption and docket number and the name of the claimant. The claimants social security number or the Internal Revenue Service employer identification number of the claimants firm must be included on each invoice, except one submitted by the superior court clerk. The invoice of a court reporter or a superior court clerk may be submitted as soon as the services have been performed or the expense incurred, but the invoice must be filed within 10 days after issuance of the mandate. The invoice must be filed in the appellate court to which the notice of appeal or notice for discretionary review was directed. Invoices filed in the Supreme Court and the Court of Appeals will be forwarded to the Supreme Court Office of Public Defense together with a statement indicating whether the requirements of this rule are satisfied.
- (c) Invoice of Counsel. An invoice submitted by counsel representing an indigent party should be titled "Invoice of Counsel for Indigent Party." An invoice may be submitted in the same review proceeding:
- (1) Upon filing of the appellant's brief for the services performed to that time not to exceed 50 percent of the established fee, and after oral argument and not later than 10 days after the issuance of the mandate, or
- (2) Counsel may submit one invoice after oral argument and not later than 10 days after the issuance of the mandate for all the services performed.
- (3) The invoice must include a copy of the brief, a statement of the number of hours spent by counsel preparing the review, the amount of compensation claimed, and the reasonable expenses excluding normal overhead incurred by counsel for the review including travel expenses of counsel incurred for argument in the appellate court. Travel expenses may not exceed the amount allowable to state employees for travel by private vehicle. The invoice must include an affidavit of counsel stating that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review and that counsel has not received and has not been promised compensation for the review from the indigent party or from any other source except as may have been approved by the court.
- (4) Providers who are under contract in Division I Court of Appeals shall submit invoices in accordance with the terms of their contract.
 - (d) Invoice of Court Reporter or Typist.
- (1) An invoice submitted by the court reporter should be titled "Invoice of Court Reporter—Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter must be charged for as though reproduced by the most

economical method available to the reporter. The superior court clerk shall certify the reporter's invoice as follows:

I hereby certify that the amount claimed in this invoice is for that portion of the verbatim report of proceedings ordered by the trial court; that the typing of the report is in accordance with appellate rule 9.2 (e) and (g); and that the bill is computed at the current rate per page set by the Supreme Court for the original and one copy, namely \$_____ per page.

RAP 15.5

ALLOWANCE OF CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

GR 9(d) Cover Sheet

- (1) Background: The 1996 legislature established an Office of Public Defense to administer all state indigent defense funds, including the responsibility to pay all claims for payment of expenses for indigent parties, a responsibility currently assigned to the Supreme Court under Title 15 of the Rules of Appellate Procedure. The transfer of responsibility is effective July 1, 1996. The purpose of the proposed amendments to RAP 15.4, 15.5 and 15.6 is to ensure that the Rules of Appellate Procedure do not conflict with the legislation transferring these duties.
- (2) Purpose: Rule 15.5 outlines who approves payments from the indigent defense fund and how the initial ruling can be appealed. The proposed amendments make two significant changes from current procedures. First, the director of the Office of Public Defense will allow or disallow claimed expenses rather than a commissioner or clerk at the Supreme Court. Second, instead of appealing the initial ruling to the Supreme Court, the ruling of the director will be appealed to the Office of Public Defense Advisory Committee. Both of these amendments are consistent with the legislation.
 - (3) Washington State Bar Association Action: None
- (4) Supporting Materials: Substitute Senate Bill 6189 establishing the Office of Public Defense.
- (5) Spokesperson: John Skimas, Chair, OPD Advisory Committee
 - (6) Hearing: Not recommended

RULE 15.5 ALLOWANCE OF CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

- (a) Allowance Generally. The director of the Office of Public Defense A commissioner or the Clerk of the Supreme Court determines all claims for expense by ruling. The director commissioner or clerk will allow or disallow all or part of the claimed expense by ruling within 10 days after the invoice has been filed in the Office of Public Defense Supreme Court. The director commissioner or clerk will notify the claimant of the decision ruling. A claimant may object to the decision ruling of the director commissioner or clerk by letter motion to the Supreme Court, in the same manner and within the same time as an objection to any other ruling as provided in rule 17.7 Office of Public Defense Advisory Committee not later than 30 days after the director's decision and the Committee's decision is final.
- (b) Disallowance of Claim. If a brief is unnecessarily long, improper in substance, or not in compliance with these

rules, all or a portion of counsels claim may be disallowed. If the court reporter or counsel has been dilatory, all or a portion of the claim of the court reporter or the claim of counsel may be disallowed.

RAP 15.6

RECOVERY OF PUBLIC FUNDS

GR 9(d) Cover Sheet

- (1) Background: The 1996 legislature established an Office of Public Defense to administer all state indigent defense funds, including the responsibility to pay all claims for payment of expenses for indigent parties, a responsibility currently assigned to the Supreme Court under Title 15 of the Rules of Appellate Procedure. The transfer of responsibility is effective July 1, 1996. The purpose of the proposed amendments to RAP 15.4, 15.5 and 15.6 is to ensure that the Rules of Appellate Procedure do not conflict with the legislation transferring these duties.
- (2) Purpose: This proposed amendment is procedural only. It requires the superior courts to forward all funds recovered to the Office of Public Defense rather than the Supreme Court because the Office of Public Defense will be administering indigent defense funds.
 - (3) Washington State Bar Association Action: None
- (4) Supporting Materials: Substitute Senate Bill 6189 establishing the Office of Public Defense.
- (5) Spokesperson: John Skimas, Chair, OPD Advisory Committee
 - (6) Hearing: Not recommended

RULE 15.6

RECOVERY OF PUBLIC FUNDS

If a case on review is returned to the trial court for further proceedings and the case involves a claim for a money judgment for the party on whose behalf public funds have been expended, the Clerk of the Supreme Court will indicate the amount of public funds expended on behalf of the party in the mandate or in a supplemental judgment. The amount indicated in the mandate and supplemental judgment is a lien on any settlement or judgment obtained by the party on whose behalf public funds have been expended. This lien must be satisfied prior to the payment of any other amounts to the party. If a judgment is entered, the judgment should reflect the lien imposed by this rule. The amount of the lien must be paid to the clerk of the superior court. The clerk of the superior court shall forward all funds recovered to the director Clerk of the Office of Public Defense Supreme Court, who will credit these funds to the Indigent Appeal Allotment.

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

WSR 96-13-030 RULES OF COURT STATE SUPREME COURT

[June 6, 1996]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE AMENDMENTS TO CrR 4.2)	
(g)(6)(j) AND (r); RPC 7.5(d);)	NO. 25700-A-583
CRLI 4(c) AND CrRLJ 4.2 (g)(6)(i))	

The Washington State Bar Association having recommended the adoption of the proposed amendments to CrR 4.2 (g)(6)(j) and (r); RPC 7.5(d); CRLJ 4(c) and CrRLJ 4.2 (g)(6)(i), and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That the amendments will be published in the Washington Reports and will become effective September 1, 1996

DATED at Olympia, Washington this 6th day of June, 1996.

	Durham, C. J.
Dolliver, J.	Madsen, J.
Smith, J.	Talmadge, J.
Guy, J.	Alexander, J.
Johnson, J.	Sanders, J.

CrR 4.2(g)

PLEAS

- (a) (f) Unchanged.
- (g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:
 - 1. 5. Unchanged.
- 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) (i) Unchanged.
- violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and ___ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
 - (k) (q) Unchanged.
- (r) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. (PURSUANT TO RCW 9.41.047(1), THE JUDGE SHALL READ THIS SECTION TO THE DEFENDANT IN OPEN COURT IF THE DEFENDANT IS PLEADING

GUILTY TO A "SERIOUS OFFENSE" AS DEFINED UNDER RCW 9.41.010(12), A CRIME OF DOMESTIC VIOLENCE, OR A CRIME OF "HARASSMENT" AS DEFINED UNDER RCW-9A.46.060 FELONY OR ANY OF THE FOLLOWING CRIMES WHEN COMMITTED BY ONE FAMILY OR HOUSEHOLD MEMBER AGAINST ANOTHER: AS-SAULT IN THE FOURTH DEGREE, COERCION, STALKING, RECK-LESS ENDANGERMENT IN THE SECOND DEGREE, CRIMINAL TRESPASS IN THE FIRST DEGREE, OR VIOLATION OF THE PROVISIONS OF A PROTECTION ORDER OR NO-CONTACT ORDER RESTRAINING THE PERSONS OR EXCLUDING THE PERSON FROM A RESIDENCE (RCW 25.50.060, 26.50.070, 26.50.130, OR 10.99.040)) THE CLERK SHALL FORWARD A COPY OF THE DEFENDANT'S DRIVER'S LICENSE, IDENTICARD, OR COMPARABLE IDENTIFICA-TION TO THE DEPARTMENT OF LICENSING ALONG WITH THE DATE OF CONVICTION.) [IF NOT APPLICABLE, THIS PARAGRAPH SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.]

- 7 12 Unchanged.
- (h) Unchanged.

RPC 7.5

FIRM NAMES AND DESIGNATIONS

- (a) [No change].
- (b) [No change].
- (c) [No change].
- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact. Lawyers practicing out of the same office who are not partners, or shareholders of a professional corporation, or members of a professional limited liability company or partnership may not join their names together. Lawyers who are not (1) partners, or shareholders of a professional corporation, or members of a professional limited liability company or partnership, or (2) employees of a sole proprietorship, partnership, or professional corporation, or members of a professional limited liability company or partnership or other organization, or (3) in the relationship of being "Of Counsel" to a sole proprietorship, partnership, or professional corporation, or members of a professional limited liability company or partnership or other organization, shall have separate letterheads, cards and pleading paper, and shall sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers.

CRLJ 4(c)

(c) By Whom Served. Service of summons and complaint may be made by the sheriff or a deputy of the county or district in which the court is located or by any person eitizen of the State of Washington over the age of 18 years and who is competent to be a witness and is not a party to the action.

CrRLJ 4.2(g)

PLEAS

- (a) (f) Unchanged.
- (g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:
 - 1. 5. Unchanged.
- 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) (h) Unchanged.

- (i) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. (PURSUANT TO RCW 9.41.047(1), THE JUDGE SHALL READ THIS SECTION TO THE DEFENDANT IN OPEN COURT IF THE DEFENDANT IS PLEADING GUILTY TO A CRIME OF DOMESTIC VIOLENCE, OR A CRIME OF "HARASSMENT" AS DEFINED UNDER RCW 9A.46.060 ANY OF THE FOLLOWING CRIMES WHEN COMMITTED BY ONE FAMILY OR HOUSEHOLD MEMBER AGAINST ANOTHER: ASSAULT IN THE FOURTH DEGREE COERCION, STALKING, RECKLESS ENDANGER-MENT IN THE SECOND DEGREE, CRIMINAL TRESPASS IN THE FIRST DEGREE, OR VIOLATION OF THE PROVISIONS OF A PROTECTION ORDER OR NO-CONTACT ORDER RESTRAINING THE PERSON OR EXCLUDING THE PERSON FROM A RESIDENCE (RCW 25.50.060, 26.50.070, 26.50.130, OR 10.99.040)). THE CLERK SHALL FORWARD A COPY OF THE DEFENDANT'S DRIVER'S LICENSE, IDENTICARD, OR COMPARABLE IDENTIFICATION TO THE DEPARTMENT OF LICENSING ALONG WITH THE DATE OF CONVICTION.) [IF NOT APPLICABLE, THIS PARAGRAPH SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.]
 - 7. 12. Unchanged.
 - (h) Unchanged.

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

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

WSR 96-13-031 RULES OF COURT STATE SUPREME COURT

[June 6, 1996]

IN THE MATTER OF THE ADOPTION) **ORDER** OF THE AMENDMENT TO CrRLJ NO. 25700-A-584 2.1(c)

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to CrRLJ 2.1(c), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

- ORDERED:
- (a) That the amendment as attached hereto is adopted.
- (b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 6th day of June, 1996.

Talmadge, J.
Alexander, J.
Madsen, J.

Johnson, J. Sanders, J.

CrRLJ 2.1(c)

- (c) Citizen Complaints. Any person wishing to institute a criminal action alleging a misdemeanor or gross misdemeanor shall appear before a judge empowered to commit persons charged with offenses against the State, other than a judge pro tem. The judge may require the appearance to be made on the record, and under oath. The judge may consider any allegations on the basis of an affidavit sworn to before the judge, elerk, commissioner or notary public. The court may also grant an opportunity at said hearing for evidence to be given by the county prosecuting attorney or deputy, the potential defendant or attorney of record, law enforcement or other potential witnesses. The court may also require the presence of other potential witnesses.
 - In addition to probable cause, the court may consider:
- (1) Whether an unsuccessful prosecution will subject the State to costs or damage claims under RCW 9A.16.110, or other civil proceedings;
 - (2) Whether the complainant has adequate recourse

- under laws governing small claims suits, anti-harassment petitions or other civil actions;
 - (3) Whether a criminal investigation is pending;
- (4) Whether other criminal charges could be disrupted by allowing the citizen complaint to be filed;
 - (5) The availability of witnesses at trial;
- (6) The criminal record of the complainant, potential defendant and potential witnesses, and whether any have been convicted of crimes of dishonesty as defined by ER 609; and
- (7) Prosecution standards under RCW 9.94A.440. If the judge is satisfied that probable cause exists, and factors (1) through (7) justify filing charges, and that the complaining witness is aware of the gravity of initiating a criminal complaint, of the necessity of a court appearance or appearances for himself or herself and witnesses, of the possible liability for false arrest and of the consequences of perjury, the judge may authorize the citizen to sign and file a complaint in the form prescribed in CrRLJ 2.1(a) this rule. The judge may also examine on oath the complainant and any witnesses the judge may require, take their statements, and cause the statements and the complaint to be subscribed under oath by the person or persons making it. The affidavit may be in substantially the following form: the following form:

THE STATE OF WASHINGTON)	No			
COUNTY OF	55.	NO			
		AFFIDAVI	T OF COMPLAINING WITNE	ss	
DEFENDANT:					
Name	_		Name		
Address			Address		
Phone	Bus.		Phone	Bus	
	_	- ''	WITNESSES:		
Name			Name		
Address			Address		
Phone	Bus.		Phone	Bus	
Name			Name		
Address			Address		
Phone	Bus.		Phone	Bus	
			O., 4b.	day of 10 of	

I, the undersigned complainant, understand that I have the choice of complaining to a prosecuting attorney rather than signing this affidavit. I elect to use this method to start criminal proceedings. I understand that the following are some but not all of the consequences of my signing a criminal complaint: (1) the defendant may be arrested and placed in custody; (2) the arrest if proved false may result in a lawsuit against me; (3) if I have sworn falsely I may be prosecuted for perjury; (4) this charge will be prosecuted even though I might later change my mind; (5) witnesses and complainant will be required to appear in court on the trial date regardless of inconvenience, school, job, etc.

Following is a true statement of the events that led to filing this charge. I (have)(have not) consulted with a prosecuting authority concerning this incident.

On the ____ day of ______, 19__, at _____. (location)

Signed _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19__.

Commissioner, Clerk, Judge or Notary Public

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

WSR 96-13-046 DEPARTMENT OF ECOLOGY

[Filed June 13, 1996, 12:31 p.m.]

NOTICE OF PUBLIC HEARINGS July 16-18, 1996

The Washington State Department of Ecology will be conducting sets of consecutive public hearings throughout the state as follows:

Tuesday, July 16, 1996 Clark College, Foster Auditorium 1800 East McLoughlin Boulevard Vancouver 7:00 p.m.

Wednesday, July 17, 1996 Department of Ecology, NWRO 3190 160th Avenue S.E. Conference Room A Bellevue 7:00 p.m.

Thursday, July 18, 1996 Spokane County Health Department West 1101 College Avenue, Auditorium Spokane 7:00 p.m.

The purposes of the hearings are as follows:

- Amendment of the emission check rule to expand the Vancouver emissions testing area; provide options for use of the acceleration simulation mode (ASM) testing procedure, performance of gas cap checks, or compliance with nitrogen oxide standards for implementation after public hearing; and establish on-board diagnostics requirements for 1996 and later model year vehicles.
- Incorporation of the amended emission check rule into the state implementation plan (SIP).
- In Vancouver, implementation of the ASM testing procedure and gas cap checks.
- In Spokane, implementation of the ASM testing procedure.

Interested persons may provide written or oral comments at the hearings. Written comments will be considered if postmarked no later than August 1, 1996, and should be sent to John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For information on the content of the draft documents, please contact John Raymond at (360) 407-6856. For a list of locations where a copy of the draft documents can be reviewed, please contact Lydia Blalock at (360) 407-6860.

*Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock at (360) 407-6860 (voice) or (360) 407-6006 (TDD only).

WSR 96-13-059 NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum-June 17, 1996]

Board of Trustees Meeting

June 17, 1996 (SPECIAL) Sno-King Building Boardroom 103 (4:30 - 6:50)

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act.

Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

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 96-13-060 NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum-June 13, 1996]

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Friday, June 21 from 9:00-10:15 a.m. in Room 309 of the Convention Center, 800 Convention Place, Seattle, WA.

A special meeting of the WSCTC board of directors will also be held on Friday, June 21 from 10:30 a.m. - 2:00 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

WSR 96-13-062 INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed June 17, 1996, 11:06 a.m.]

ADOPTION OF INTERPRETIVE STATEMENT

Excise Tax Bulletin 566—Low-density light and power utility deduction

The Department of Revenue has revised Excise Tax Bulletin 566 (Low-density light and power utility deduction). This bulletin explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. This revision has been made to provide this rate information. The bulletin has also been revised to incorporate chapter 145, Laws of 1996, which changed the formula used to determine the amount of deduction, and increased the maximum deduction a business may claim.

Requests for copies of this bulletin may be directed to:

Roseanna Hodson Legislation and Policy P.O. Box 47467 Olympia, WA 98504-7467 Phone (360) 586-4281 FAX (360) 664-0693

> Claire Hesselholt Policy Counsel

WSR 96-13-080 NOTICE OF PUBLIC MEETINGS CLEMENCY AND PARDONS BOARD

[Memorandum-June 17, 1996]

The September 6 meeting has been moved from the Governor's Office conference room to Senate Hearing Room 4 located in the John A. Cherberg Building, Olympia, Washington. Scheduled meeting time remains at 9:00 a.m.

WSR 96-13-083 NOTICE OF PUBLIC MEETINGS OFFICE OF FINANCIAL MANAGEMENT

[Memorandum-June 18, 1996]

THE GOVERNOR'S AFFIRMATIVE
ACTION POLICY COMMITTEE
SPONSORS PUBLIC HEARINGS ON
RACIAL/MULTI-RACIAL/ETHNIC DESIGNATIONS

Time: 5:30 to 7:30 p.m. at all locations

The purpose of the hearings is to provide a forum for community input regarding the categories used in government classifications of racial and ethnic categories.

Locations:

Ft. Vancouver Regional Library Thursday, July 11, 1996 1007 East Mill Plain Vancouver, WA Seattle Public Library Thursday, July 18, 1996 1000 Fourth Avenue Seattle, WA Thursday, July 25, 1996 Spokane Public Library Room 1A West 906 Main Street Spokane, WA Olympia Community Center Tuesday, July 30, 1996 222 North Columbia Multipurpose Room B Olympia, WA

Thursday, August 1, 1996

Southeast Community Center 1211 South 7th Street

Yakima, WA

Wednesday, August 21, 1996

Vern Burton Community Center The Meeting Room 308 East 4th (4th & Peabody)

Port Angeles, WA

For more information contact Jan Olmstead at (360) 753-1766 (Olympia), or Robbi Ferron at (360) 586-5344 (Olympia) from the Governor's Affirmative Action Policy Unit.

WSR 96-13-088 NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum-June 10, 1996]

The August 16, 1996, meeting of the University of Washington board of regents has been cancelled.

At the direction of Scott D. Oki, president of the board of regents, at the meeting of the board on June 7, 1996, and with the concurrence of the members of the board and of Dr. Richard L. McCormick, president of the university, the meeting of the board of regents scheduled for August 16, 1996, is cancelled.

The next regular meetings of the board will be held as scheduled on July 19, 1996, and September 20, 1996.

WSR 96-13-098 NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIRE FIGHTERS

[Memorandum-June 17, 1996]

The July 1996 meeting of the State Board for Volunteer Fire Fighters has been rescheduled. The meeting will take place at 9:00 a.m. on July 12, 1996, in Suite 112 of the Olympia Forum Building, 601 11th Avenue S.E., not on July 19 as had been originally scheduled.

WSR 96-13-099 NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum-June 17, 1996]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University campus in Ellensburg at 1:00 p.m. on the following dates:

October 11, 1996 December 6, 1996 February 7, 1997 June 13, 1997

The board will also meet April 4, 1997, at the CWU Wenatchee Center, 604 Ringold, Wenatchee, WA.

Miscellaneous [8]

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

AMD = Amendment of existing section

A/R = Amending and recodifying a section

DECOD = Decodification of an existing section

NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative

Rules Review Committee

PREP = Preproposal comments

RE-AD = Readoption of existing section RECOD = Recodification of previously codified

section

REP = Repeal of existing section

RESCIND = Rescind previous emergency rule

REVIEW = Review of previously adopted rule

Suffixes

-P = Proposed action

C = Continuance of previous proposal

-E = Emergency action

-S = Supplemental notice

-W = Withdrawal of proposed action

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC#		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-530	PREP	96-05-081	16-06-100	REP-C	96-11-119	16-138-010	NEW-E	96-11-00
4-25-530	AMD-P	96-09-065	16-06-110	REP-P	96-06-082	16-138-020	NEW-E	96-11-00
4-25-530	AMD	96-12-060	16-06-110	REP-C	96-11-119	16-138-030	NEW-E	96-11-00
4-25-722	PREP	96-05-082	16-06-120	REP-P	96-06-082	16-138-035	NEW-E	96-11-00
4-25-722	AMD-P	96-09-064	16-06-120	REP-C	96-11-119	16-138-040	NEW-E	96-11-00
4-25-722	AMD	96-12-062	16-06-130	REP-P	96-06-082	16-156	PREP	96-08-07
4-25-750	PREP	96-05-083	16-06-130	REP-C	96-11-119	16-168-010	NEW-P	96-05-02
4-25-750	AMD-P	96-09-066	16-06-140	REP-P	96-06-082	16-168-010	NEW	96-09-03
1-25-750	AMD	96-12-061	16-06-140	REP-C	96-11-119	16-168-020	NEW-P	96-05-02
1-25-810	PREP	96-05-084	16-06-150	NEW-P	96-06-082	16-168-020	NEW	96-09-03
1-25-810	PREP-W	96-10-027	16-06-150	NEW-C	96-11-119	16-168-030	NEW-P	96-05-02
12-18-020	PREP	96-10-041	16-06-155	NEW-P	96-06-082	16-168-030	NEW	96-09-03
6-05-001	NEW-P	96-10-080	16-06-155	NEW-C	96-11-119	16-168-040	NEW-P	96-05-02
16-05-001	NEW	96-13-082	16-06-160	NEW-P	96-06-082	16-168-040	NEW	96-09-03
6-05-005	NEW-P	96-10-080	16-06-160	NEW-C	96-11-119	16-168-050	NEW-P	96-05-02
6-05-005	NEW	96-13-082	16-06-165	NEW-P	96-06-082	16-168-050	NEW	96-09-03
6-05-010	NEW-P	96-10-080	16-06-165	NEW-C	96-11-119	16-168-060	NEW-P	96-05-02
6-05-010	NEW	96-13-082	16-06-170	NEW-P	96-06-082	16-168-060	NEW	96-09-03
6-05-015	NEW-P	96-10-080	16-06-170	NEW-C	96-11-119	16-168-070	NEW-P	96-05-02
6-05-015	NEW	96-13-082	16-06-175	NEW-P	96-06-082	16-168-070	NEW	96-09-03
6-05-020	NEW-P	96-10-080	16-06-175	NEW-C	96-11-119	16-168-080	NEW-P	96-05-02
6-05-020	NEW	96-13-082	16-06-180	NEW-P	96-06-082	16-168-080	NEW	96-09-03
6-05-025	NEW-P	96-10-080	16-06-180	NEW-C	96-11-119	16-168-090	NEW-P	96-05-0
6-05-025	NEW	96-13-082	16-06-185	NEW-P	96-06-082	16-168-090	NEW-F	96-09-03
6-05-030	NEW-P	96-10-080	16-06-185	NEW-C	96-11-119	16-168-100	NEW-P	96-05-0
6-05-030	NEW	96-13-082	16-06-190	NEW-P	96-06-082	16-168-100	NEW-F	96-09-03
6-05-035	NEW-P	96-10-080	16-06-190	NEW-C	96-11-119	16-200-640	REP-P	96-10-03
6-05-035	NEW	96-13-082	16-06-195	NEW-P	96-06-082	16-200-650	REP-P	
6-05-040	NEW-P	96-10-080	16-06-195	NEW-P	96-06-082 96-11-119			96-10-07
6-05-040	NEW-P	96-13-082	16-06-200	NEW-C		16-200-750	AMD-P	96-10-07
6-05-045	NEW-P	96-13-082 96-10-080	16-06-200	NEW-P NEW-C	96-06-082	16-200-755	NEW-P	96-10-07
		96-10-080		NEW-C	96-11-119	16-200-760	AMD-P	96-10-07
6-05-045	NEW		16-06-205		96-06-082	16-200-770	AMD-P	96-10-07
6-06-010	REP-P	96-06-082	16-06-205	NEW-C	96-11-119	16-200-780	REP-P	96-10-07
6-06-010	REP-C	96-11-119	16-06-210	NEW-P	96-06-082	16-200-790	AMD-P	96-10-07
6-06-020	REP-P	96-06-082	16-06-210	NEW-C	96-11-119	16-200-795	NEW-P	96-10-07
6-06-020	REP-C	96-11-119	16-06-215	NEW-P	96-06-082	16-200-800	REP-P	96-10-07
6-06-030	REP-P	96-06-082	16-06-215	NEW-C	96-11-119	16-200-805	AMD-P	96-10-07
6-06-030	REP-C	96-11-119	16-06-220	NEW-P	96-06-082	16-200-810	REP-P	96-10-07
6-06-040	REP-P	96-06-082	16-06-220	NEW-C	96-11-119	16-200-815	AMD-P	96-10-07
6-06-040	REP-C	96-11-119	16-06-225	NEW-P	96-06-082	16-200-830	AMD-P	96-10-07
6-06-050	REP-P	96-06-082	16-06-225	NEW-C	96-11-119	16-200-850	REP-P	96-10-07
6-06-050	REP-C	96-11-119	16-06-230	NEW-P	96-06-082	16-200-860	AMD-P	96-10-07
6-06-060	REP-P	96-06-082	16-06-230	NEW-C	96-11-119	16-200-865	NEW-P	96-10-07
6-06-060	REP-C	96-11-119	16-06-235	NEW-P	96-06-082	16-200-870	REP-P	96-10-07
6-06-070	REP-P	96-06-082	16-06-235	NEW-C	96-11-119	16-200-885	NEW-P	96-10-07
6-06-070	REP-C	96-11-119	16-54-082	PREP	96-13-095	16-200-887	NEW-P	96-10-07
6-06-080	REP-P	96-06-082	16-54-125	PREP	96-13-096	16-300-010	AMD	96-04-05
6-06-080	REP-C	96-11-119	16-86-015	PREP	96-13-095	16-304-110	AMD-P	96-09-09
6-06-090	REP-P	96-06-082	16-101-700	PREP	96-13-093	16-304-110	AMD	96-12-06
6-06-090	REP-C	96-11-119	16-122	PREP	96-13-092	16-304-130	AMD-P	96-09-09
6-06-100	REP-P	96-06-082	16-124-011	PREP	96-13-091	16-304-130	AMD	96-12-06

WAC #		WSR #	WAC#		wsr #	WAC #		WSR #
		04.07.095	44-10-230	REP	96-03-155	50-60-070	DECOD	96-04-028
16-316	PREP PREP	96-07-085 96-07-086	44-10-300	AMD	96-03-155	50-60-080	DECOD	96-04-028
16-316 16-316-280	AMD-P	96-07-080	44-10-310	AMD	96-03-155	50-60-08005	DECOD	96-04-028
16-316-280	AMD-C	96-11-121	44-10-320	REP	96-03-155	50-60-08010	DECOD	96-04-028
16-316-315	AMD-P	96-11-120	50-20-100	AMD	96-04-013	50-60-08015	DECOD	96-04-028
16-316-327	AMD-P	96-07-087	50-20-100	DECOD	96-04-013	50-60-08020	DECOD	96-04-028
16-316-327	AMD-C	96-11-121	50-20-110	AMD	96-04-013	50-60-08025	DECOD DECOD	96-04-028 96-04-028
16-316-455	AMD-P	96-11-122	50-20-110	DECOD	96-04-013	50-60-08030 50-60-08035	DECOD	96-04-028
16-316-474	AMD-P	96-11-124	50-20-120	AMD	96-04-013	50-60-08040	DECOD	96-04-028
16-316-724	AMD-P	96-11-124	50-20-120	DECOD AMD	96-04-013 96-04-013	50-60-085	DECOD	96-04-028
16-316-921	AMD-P	96-11-123	50-20-130 50-20-130	DECOD	96-04-013	50-60-090	DECOD	96-04-028
16-319-041	AMD-P	96-03-065 96-11-044	50-20-140	AMD	96-04-013	50-60-09005	DECOD	96-04-028
16-319-041 16-400-040	AMD AMD-P	96-05-071	50-20-140	DECOD	96-04-013	50-60-09010	DECOD	96-04-028
16-400-040	AMD	96-10-060	50-20-150	AMD	96-04-013	50-60-09015	DECOD	96-04-028
16-400-100	AMD-P	96-05-071	50-20-150	DECOD	96-04-013	50-60-09020	DECOD	96-04-028
16-400-100	AMD	96-10-060	50-20-160	AMD	96-04-013	50-60-100	DECOD	96-04-028
16-400-210	AMD-P	96-05-071	50-20-160	DECOD	96-04-013	50-60-110	DECOD	96-04-028
16-400-210	AMD	96-10-060	50-20-170	REP	96-04-013	50-60-120	DECOD	96-04-028
16-409-020	PREP	96-09-090	50-20-180	DECOD	96-04-013	50-60-125	DECOD DECOD	96-04-028 96-04-028
16-409-030	PREP	96-09-090	50-20-190	AMD	96-04-013	50-60-130 50-60-140	DECOD	96-04-028
16-409-060	PREP	96-09-090	50-20-190	DECOD	96-04-013 96-04-013	50-60-145	DECOD	96-04-028
16-409-065	PREP	96-09-090	50-20-200	REP NEW	96-03-059	50-60-150	DECOD	96-04-028
16-473-005	NEW-E	96-10-036	50-30-005 50-30-005	DECOD	96-03-059	50-60-160	DECOD	96-04-028
16-473-010	NEW-E	96-10-036 96-10-036	50-30-003	AMD	96-03-059	50-60-165	DECOD	96-04-028
16-473-015 16-473-020	NEW-E NEW-E	96-10-036	50-30-010	DECOD	96-03-059	50-60-170	DECOD	96-04-028
16-473-025	NEW-E	96-10-036	50-30-015	NEW	96-03-059	50-60-190	DECOD	96-04-028
16-473-025	NEW-E	96-10-036	50-30-015	DECOD	96-03-059	50-60-200	DECOD	96-04-028
16-473-035	NEW-E	96-10-036	50-30-020	AMD	96-03-059	50-60-210	DECOD	96-04-028
16-529-150	AMD	96-03-151	50-30-020	DECOD	96-03-059	51-32-1118	NEW-E	96-13-047
16-532-010	AMD-P	96-05-086	50-30-025	NEW	96-03-059	51-32-1119	NEW-E	96-13-047 96-13-047
16-532-040	PREP	96-02-082	50-30-025	DECOD	96-03-059	51-34-6308 51-34-6309	NEW-E NEW-E	96-13-047
16-532-0402	NEW-P	96-05-086	50-30-030	AMD DECOD	96-03-059 96-03-059	55-01-001	REP-P	96-09-102
16-532-0404	NEW-P	96-05-086	50-30-030	NEW	96-03-059	55-01-010	AMD-E	96-03-104
16-532-0406	NEW-P	96-05-086 96-05-086	50-30-035 50-30-035	DECOD	96-03-059	55-01-010	REP-P	96-09-102
16-532-0408 16-532-0410	NEW-P NEW-P	96-05-086	50-30-033	AMD	96-03-059	55-01-010	AMD-E	96-11-097
16-532-0410	NEW-P	96-05-086	50-30-040	DECOD	96-03-059	55-01-020	AMD-E	96-03-104
16-532-0414	NEW-P	96-05-086	50-30-050	AMD	96-03-059	55-01-020	REP-P	96-09-102
16-540-040	AMD	96-03-150	50-30-050	DECOD	96-03-059	55-01-020	AMD-E	96-11-097
16-560-06001	AMD	96-07-054	50-30-060	AMD	96-03-059	55-01-030	AMD-E	96-03-104
16-750	AMD-C	96-03-093	50-30-060	DECOD	96-03-059	55-01-030	REP-P AMD-E	96-09-102 96-11-097
16-750-005	AMD	96-06-030	50-30-065	NEW	96-03-059 96-03-059	55-01-030 55-01-040	AMD-E	96-03-104
16-750-011	AMD	96-06-030	50-30-065	DECOD	96-03-059 96-03-059	55-01-040	REP-P	96-09-102
16-750-015	AMD	96-06-030	50-30-068 50-30-068	NEW DECOD	96-03-059	55-01-040	AMD-E	96-11-097
36-12	PREP	96-11-114 96-03-155	50-30-008	AMD	96-03-059	55-01-050	AMD-E	96-03-104
44-10-010	AMD NEW	96-03-155 96-03-155	50-30-070	DECOD	96-03-059	55-01-050	REP-P	96-09-102
44-10-020 44-10-030	AMD	96-03-155	50-30-075	NEW	96-03-059	55-01-050	AMD-E	96-11-097
44-10-031	NEW	96-03-155	50-30-075	DECOD	96-03-059	55-01-060	AMD-E	96-03-10
44-10-040	AMD	96-03-155	50-30-080	AMD	96-03-059	55-01-060	REP-P	96-09-102
44-10-050	AMD	96-03-155	50-30-080	DECOD	96-03-059	55-01-060	AMD-E	96-11-09
44-10-060	AMD	96-03-155	50-30-085	NEW	96-03-059	55-01-070	AMD-E	96-03-10
44-10-070	AMD	96-03-155	50-30-085	DECOD	96-03-059	55-01-070 55-01-070	REP-P AMD-E	96-09-10 96-11-09
44-10-080	AMD	96-03-155	50-30-090	AMD	96-03-059	67-35-910	AMD-E	96-08-02
44-10-090	AMD	96-03-155	50-30-090	DECOD NEW	96-03-059 96-03-059	67-35-910	AMD-I	96-11-09
44-10-100	AMD	96-03-155	50-30-095 50-30-095	DECOD	96-03-059	82-05-010	NEW	96-03-04
44-10-110	AMD	96-03-155 96-03-155	50-30-100	AMD	96-03-059	82-05-020	NEW	96-03-04
44-10-120	AMD AMD	96-03-155	50-30-100	DECOD	96-03-059	82-05-030	NEW	96-03-04
44-10-130 44-10-140	AMD	96-03-155	50-30-110	REP	96-03-059	82-05-040	NEW	96-03-04
44-10-150	AMD	96-03-155	50-44-020	AMD	96-04-022	82-05-050	NEW	96-03-04
44-10-160	AMD	96-03-155	50-44-025	NEW	96-04-022	82-50-021	AMD-P	96-12-03
44-10-165	REP	96-03-155	50-60-010	DECOD	96-04-028	131-28-026	AMD	96-03-04
44-10-170	AMD	96-03-155	50-60-020	DECOD	96-04-028	132D-120-055	PREP	96-10-01
44-10-180	AMD	96-03-155	50-60-030	DECOD	96-04-028	132N-276	PREP	96-03-10 96-07-02
44-10-200	AMD	96-03-155	50-60-035	DECOD	96-04-028	132N-276-005	AMD-P AMD	96-07-02 96-12-04
44-10-210	AMD	96-03-155	50-60-040	DECOD	96-04-028	132N-276-005 132N-276-010	AMD-P	96-12-0 4 96-07-02
44-10-220	REP	96-03-155	50-60-042	DECOD	96-04-028 96-04-028	132N-276-010	AMD-P	96-12-04
	NEW	96-03-155	50-60-045	DECOD				
44-10-221 44-10-222	NEW	96-03-155	50-60-050	DECOD	96-04-028	132N-276-020	AMD-P	96-07-02

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132Z-108-050 NEW-P 96-09-074 136-16-042 AMD-P 96-11-052 136-250-020 REP-P 96-11 132Z-108-060 NEW-P 96-09-074 136-16-050 AMD-P 96-11-052 136-250-030 REP-P 96-11 132Z-108-080 NEW-P 96-09-074 136-18 AMD-P 96-11-052 136-250-040 REP-P 96-11 132Z-108-080 NEW-P 96-09-074 136-18-010 AMD-P 96-11-052 136-250-050 REP-P 96-11 132Z-122-010 NEW-P 96-09-074 136-18-020 AMD-P 96-11-052 136-300 AMD-P 96-11 132Z-122-020 NEW-P 96-09-074 136-18-030 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-133-010 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-020 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-0100 AMD-P 9						96-11-052	136-220-030	AMD-P	96-11-052
132Z-108-050 NEW-P 96-09-074 136-16-042 AMD-P 96-11-052 136-250-020 REP-P 96-11 132Z-108-060 NEW-P 96-09-074 136-16-050 AMD-P 96-11-052 136-250-030 REP-P 96-11 132Z-108-070 NEW-P 96-09-074 136-18 AMD-P 96-11-052 136-250-040 REP-P 96-11 132Z-108-080 NEW-P 96-09-074 136-18-010 AMD-P 96-11-052 136-250-050 REP-P 96-11 132Z-122-010 NEW-P 96-09-074 136-18-020 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-122-030 NEW-P 96-09-074 136-18-030 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-122-030 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-133-010 NEW-P 96-09-074 136-18-070 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-276-01				136-16-030	AMD-P	96-11-052	136-250-010		96-11-052
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132Z-108-080 NEW-P 96-09-074 136-18-010 AMD-P 96-11-052 136-250-050 REP-P 96-11 132Z-122-010 NEW-P 96-09-074 136-18-020 AMD-P 96-11-052 136-300 AMD-P 96-11 132Z-122-020 NEW-P 96-09-074 136-18-030 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-122-030 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-020 AMD-P 96-11 132Z-133-010 NEW-P 96-09-074 136-18-070 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-040 <td></td> <td></td> <td></td> <td>136-18</td> <td>AMD-P</td> <td>96-11-052</td> <td>136-250-040</td> <td></td> <td>96-11-052</td>				136-18	AMD-P	96-11-052	136-250-040		96-11-052
132Z-122-010 NEW-P 96-09-074 136-18-020 AMD-P 96-11-052 136-300 AMD-P 96-11 132Z-122-020 NEW-P 96-09-074 136-18-030 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-132-030 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-020 AMD-P 96-11 132Z-133-010 NEW-P 96-09-074 136-18-070 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-030 AMD-P 96-11 132Z-276-04			96-09-074	136-18-010	AMD-P	96-11-052	136-250-050		96-11-052
132Z-122-020 NEW-P 96-09-074 136-18-030 AMD-P 96-11-052 136-300-010 AMD-P 96-11 132Z-132-010 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-020 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-340 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-060 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 AMD-P 96-11-052 136-400-100 AMD-P 96-11 132Z-276-080 AMD-P 96-1	132Z-122-010		96-09-074	136-18-020	AMD-P	96-11-052	136-300		96-11-052
132Z-122-030 NEW-P 96-09-074 136-18-060 AMD-P 96-11-052 136-300-020 AMD-P 96-11 132Z-133-010 NEW-P 96-09-074 136-18-070 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-050 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-030 AMD-P 96-11 132Z-27			96-09-074	136-18-030	AMD-P	96-11-052	136-300-010	AMD-P	96-11-052
132Z-133-010 NEW-P 96-09-074 136-18-070 AMD-P 96-11-052 136-310-010 AMD-P 96-11 132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-340 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-030 AMD-P 96-11 132Z-276-060 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 <td></td> <td></td> <td>96-09-074</td> <td>136-18-060</td> <td>AMD-P</td> <td>96-11-052</td> <td>136-300-020</td> <td></td> <td>96-11-052</td>			96-09-074	136-18-060	AMD-P	96-11-052	136-300-020		96-11-052
132Z-134-010 NEW-P 96-09-074 136-18-080 AMD-P 96-11-052 136-310-020 AMD-P 96-11 132Z-276-010 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-340 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-030 AMD-P 96-11 132Z-276-060 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>96-11-052</td>									96-11-052
132Z-276-010 NEW-P 96-09-074 136-18-090 AMD-P 96-11-052 136-310-050 AMD-P 96-11 132Z-276-020 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-340 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-060 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 <td></td> <td></td> <td></td> <td>136-18-080</td> <td></td> <td></td> <td></td> <td></td> <td>96-11-052</td>				136-18-080					96-11-052
132Z-276-020 NEW-P 96-09-074 136-20 AMD-P 96-11-052 136-340 AMD-P 96-11 132Z-276-030 NEW-P 96-09-074 136-20-020 AMD-P 96-11-052 136-340-020 AMD-P 96-11 132Z-276-040 NEW-P 96-09-074 136-20-030 AMD-P 96-11-052 136-340-030 AMD-P 96-11 132Z-276-050 NEW-P 96-09-074 136-20-040 AMD-P 96-11-052 136-340-040 AMD-P 96-11 132Z-276-060 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-24-010 REP-P 96-11-052 136-400-100 AMD-P 96-11									96-11-052
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132Z-276-060 NEW-P 96-09-074 136-20-050 AMD-P 96-11-052 136-400-010 AMD-P 96-11 132Z-276-070 NEW-P 96-09-074 136-20-060 AMD-P 96-11-052 136-400-060 AMD-P 96-11 132Z-276-080 NEW-P 96-09-074 136-24-010 REP-P 96-11-052 136-400-100 AMD-P 96-11		NEW-P	96-09-074	136-20-040					96-11-052
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132Z-276-080 NEW-P 96-09-074 136-24-010 REP-P 96-11-052 136-400-100 AMD-P 96-11	132Z-276-070	NEW-P	96-09-074	136-20-060			1		96-11-052
	132Z-276-080								96-11-052
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136-400-120	AMD-P	96-11-052	154-140-030	REP-P	96-13-100	162-12-130	AMD-P	96-08-055
137-08	PREP	96-07-099	154-150-010	REP-P	96-13-100	162-12-135	AMD-P	96-08-055
139-01-810	AMD-P	96-03-025	154-150-020	REP-P	96-13-100	162-12-140	AMD-P	96-08-055
139-01-810	AMD	96-08-008	154-150-030	REP-P	96-13-100	162-12-150	AMD-P	96-08-055
154	PREP	96-06-079	154-150-040	REP-P	96-13-100	162-12-160	AMD-P	96-08-055
154-01-010	REP-P	96-13-100	154-150-050	REP-P	96-13-100	162-12-170	AMD-P	96-08-055 96-08-055
54-04-010	REP-P	96-13-100	154-160-010	REP-P	96-13-100	162-12-180 162-22	AMD-P AMD-P	96-08-055
54-04-020	REP-P	96-13-100	154-160-020	REP-P REP-P	96-13-100 96-13-100	162-22	AMD-P	96-08-055
154-04-030	REP-P REP-P	96-13-100 96-13-100	154-170-010 154-180-010	REP-P	96-13-100	162-22-020	AMD-P	96-08-055
154-04-041 154-04-050	REP-P	96-13-100 96-13-100	154-180-020	REP-P	96-13-100	162-22-030	REP-P	96-08-055
54-04-065	REP-P	96-13-100	154-180-030	REP-P	96-13-100	162-22-040	REP-P	96-08-055
54-04-070	REP-P	96-13-100	154-180-040	REP-P	96-13-100	162-22-050	AMD-P	96-08-055
54-04-075	REP-P	96-13-100	154-180-050	REP-P	96-13-100	162-22-060	AMD-P	96-08-055
54-04-080	REP-P	96-13-100	154-180-060	REP-P	96-13 - 100	162-22-070	AMD-P	96-08-055
54-04-100	REP-P	96-13-100	154-180-070	REP-P	96-13-100	162-22-080	AMD-P	96-08-055
54-08-010	REP-P	96-13-100	154-190-010	REP-P	96-13-100	162-22-090	AMD-P	96-08-055 96-08-055
54-08-020	REP-P	96-13-100	154-200-010	REP-P	96-13-100	162-22-100	NEW-P AMD-P	96-08-055
54-08-030	REP-P	96-13-100	154-200-020 154-200-030	REP-P REP-P	96-13-100 96-13-100	162-30 162-30-010	AMD-P	96-08-055
54-08-040	REP-P	96-13-100	154-200-030	REP-P	96-13-100	162-30-010	AMD-P	96-08-055
54-08-050 54-12-010	REP-P REP-P	96-13-100 96-13-100	154-300-005	REP-P	96-13-100	162-30-020	NEW-P	96-08-055
54-12-010 54-12-015	REP-P	96-13-100	154-300-003	REP-P	96-13-100	162-30-035	NEW-P	96-08-055
54-12-020	REP-P	96-13-100	154-300-010	REP-P	96-13-100	162-30-040	NEW-P	96-08-055
54-12-030	REP-P	96-13-100	154-300-030	REP-P	96-13-100	162-30-050	NEW-P	96-08-055
54-12-040	REP-P	96-13-100	154-300-040	REP-P	96-13-100	162-30-060	NEW-P	96-08-055
54-12-050	REP-P	96-13-100	154-300-050	REP-P	96-13-100	162-30-070	NEW-P	96-08-055
54-12-070	REP-P	96-13-100	154-300-060	REP-P	96-13-100	162-30-080	NEW-P	96-08-055
54-12-075	REP-P	96-13-100	154-300-070	REP-P	96-13-100	162-30-090	NEW-P	96-08-055 96-08-055
54-12-080	REP-P	96-13-100	154-300-080	REP-P REP-P	96-13-100	162-30-100 162-36	NEW-P PREP	96-02-081
54-12-085	REP-P	96-13-100 96-13-100	154-300-090 154-300-100	REP-P	96-13-100 96-13-100	162-36-001	NEW-P	96-06-087
54-12-086 54-12-087	REP-P REP-P	96-13-100 96-13-100	154-300-100	REP-P	96-13-100	162-36-001	NEW	96-13-045
154-12-087	REP-P	96-13-100	154-300-110	REP-P	96-13-100	162-36-005	NEW-P	96-06-087
154-12-110	REP-P	96-13-100	162-04	PREP	96-02-081	162-36-005	NEW	96-13-045
54-24-010	REP-P	96-13-100	162-08	PREP	96-02-081	162-36-006	NEW-P	96-06-087
154-28-010	REP-P	96-13-100	162-08-061	AMD-P	96-06-087	162-36-006	NEW	96-13-045
154-32-010	REP-P	96-13-100	162-08-061	AMD	96-13-045	162-36-010	AMD-P	96-06-087
154-32-020	REP-P	96-13-100	162-08-062	AMD-P	96-06-087	162-36-010	AMD	96-13-045 96-06-087
154-36-010	REP-P	96-13-100	162-08-062	AMD B	96-13-045 96-06-087	162-36-020 162-36-020	AMD-P AMD	96-13-045
154-40-010	REP-P REP-P	96-13-100 96-13-100	162-08-071 162-08-071	AMD-P AMD	96-13-045	162-38	PREP	96-02-081
54-44-010 54-48-010	REP-P	96-13-100	162-08-071	AMD-P	96-06-087	162-38-010	AMD-P	96-06-087
154-48-010	REP-P	96-13-100	162-08-072	AMD .	96-13-045	162-38-010	AMD	96-13-045
154-56-010	REP-P	96-13-100	162-08-093	AMD-P	96-06-087	162-38-020	REP-P	96-06-087
54-60-010	REP-P	96-13-100	162-08-093	AMD	96-13-045	162-38-020	REP	96-13-045
154-64-010	REP-P	96-13-100	162-08-094	AMD-P	96-06-087	162-38-030	REP-P	96-06-087
154-64-020	REP-P	96-13-100	162-08-094	AMD	96-13-045	162-38-030	REP	96-13-045
154-64-030	REP-P	96-13-100	162-08-09401	NEW-P	96-06-087	162-38-035	AMD-P	96-06-087
54-64-040	REP-P	96-13-100	162-08-09401	NEW	96-13-045	162-38-035 162-38-040	AMD AMD-P	96-13-045 96-06-087
54-64-050	REP-P	96-13-100	162-08-099 162-08-099	AMD-P AMD	96-06-087 96-13-045	162-38-040	AMD-F	96-13-045
154-64-060	REP-P REP-P	96-13-100 96-13-100	162-08-102	AMD-P	96-06-087	162-38-050	AMD-P	96-06-087
54-68-010 54-68-020	REP-P	96-13-100	162-08-102	AMD-1	96-13-045	162-38-050	AMD	96-13-045
54-110-010	REP-P	96-13-100	162-08-104	AMD-P	96-06-087	162-38-060	AMD-P	96-06-087
54-110-015	REP-P	96-13-100	162-08-104	AMD	96-13-045	162-38-060	AMD	96-13-04
54-110-020	REP-P	96-13-100	162-08-106	AMD-P	96-06-087	162-38-070	AMD-P	96-06-087
154-110-030	REP-P	96-13-100	162-08-106	AMD	96-13-045	162-38-070	AMD	96-13-04
154-120-010	REP-P	96-13-100	162-08-107	NEW-P	96-06-087	162-38-080	AMD-P	96-06-08
154-120-015	REP-P	96-13-100	162-08-107	NEW	96-13-045	162-38-080	AMD	96-13-04:
154-120-020	REP-P	96-13-100	162-08-261	AMD-P	96-06-087	162-38-090	AMD-P	96-06-087
154-120-025	REP-P	96-13-100	162-08-261	AMD	96-13-045	162-38-090 162-38-100	AMD AMD-P	96-13-04: 96-06-08
154-120-030	REP-P	96-13-100	162-08-268 162-08-268	AMD-P AMD	96-06-087 96-13-045	162-38-100	AMD-P AMD-W	96-06-08
154-120-035 154-120-040	REP-P REP-P	96-13-100 96-13-100	162-08-288	AMD-P	96-06-087	162-38-110	AMD-W	96-06-08
154-120-040 154-120-045	REP-P REP-P	96-13-100 96-13-100	162-08-288	AMD-P	96-13-045	162-38-110	AMD	96-13-04
154-120-043	REP-P	96-13-100	162-08-298	AMD-P	96-06-087	162-38-120	AMD-P	96-06-08
154-120-055	REP-P	96-13-100	162-08-298	AMD	96-13-045	162-38-120	AMD	96-13-04
154-130-010	REP-P	96-13-100	162-08-305	AMD-P	96-06-087	173-09-010	AMD-P	96-11-13
154-130-020	REP-P	96-13-100	162-08-305	AMD	96-13-045	173-09-020	AMD-P	96-11-130
154-130-030	REP-P	96-13-100	162-12-100	AMD-P	96-08-055	173-09-040	NEW-P	96-11-136
154 140 010	REP-P	96-13-100	162-12-110	REP-P	96-08-055	173-14-010	REP-P	96-13-103
154-140-010 154-140-020	REP-P	96-13-100	162-12-120	AMD-P	96-08-055	173-14-020	REP-P	96-13-103

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Table of WAC Sections Affected

WAC#		WSR #	WAC #		WSR #	WAC #		WSR #
173-14-030	REP-P	96-13-103	173-19-170	REP-P	96-13-103	173-19-2905	REP-P	96-13-103
173-14-040	REP-P	96-13-103	173-19-1701	REP-P	96-13-103	173-19-2906	REP-P	96-13-103
173-14-050	REP-P	96-13-103	173-19-1702	REP-P	96-13-103	173-19-2907	REP-P	96-13-103
173-14-055	REP-P	96-13-103	173-19-1703	REP-P	96-13-103	173-19-300	REP-P	96-13-103
173-14-060	REP-P	96-13-103	173-19-180	REP-P	96-13-103	173-19-3001	REP-P	96-13-103
173-14-062	REP-P	96-13-103	173-19-1801	REP-P	96-13-103	173-19-3002	REP-P	96-13-103
173-14-064 173-14-070	REP-P REP-P	96-13-103 96-13-103	173-19-190 173-19-1901	REP-P REP-P	96-13-103 96-13-103	173-19-310 173-19-3101	REP-P REP-P	96-13-103 96-13-103
173-14-070	REP-P	96-13-103	173-19-1901	REP-P	96-13-103	173-19-3101	REP-P	96-13-103
173-14-090	REP-P	96-13-103	173-19-210	REP-P	96-13-103	173-19-3201	REP-P	96-13-103
173-14-100	REP-P	96-13-103	173-19-2101	REP-P	96-13-103	173-19-3202	REP-P	96-13-103
173-14-110	REP-P	96-13-103	173-19-2102	REP-P	96-13-103	173-19-3203	REP-P	96-13-103
173-14-115	REP-P	96-13-103	173-19-2103	REP-P	96-13-103	173-19-3204	REP-P	96-13-103
173-14-120	REP-P	96-13-103	173-19-2104	REP-P	96-13-103	173-19-3205	REP-P	96-13-103
173-14-130 173-14-140	REP-P REP-P	96-13-103 96-13-103	173-19-220 173-19-2201	REP-P REP-P	96-13-103 96-13-103	173-19-3206 173-19-3207	REP-P REP-P	96-13-103 96-13-103
173-14-140	REP-P	96-13-103	173-19-2201	REP-P	96-13-103	173-19-3207	REP-P	96-13-103
173-14-155	REP-P	96-13-103	173-19-2202	REP-P	96-13-103	173-19-3209	REP-P	96-13-103
173-14-170	REP-P	96-13-103	173-19-2204	REP-P	96-13-103	173-19-3210	REP-P	96-13-103
173-14-174	REP-P	96-13-103	173-19-2205	REP-P	96-13-103	173-19-330	REP-P	96-13-103
173-17-010	REP-P	96-13-103	173-19-2206	REP-P	96-13-103	173-19-3301	REP-P	96-13-103
173-17-020	REP-P	96-13-103	173-19-2207	REP-P	96-13-103	173-19-3302	REP-P	96-13-103
173-17-030	REP-P REP-P	96-13-103	173-19-2208 173-19-230	REP-P	96-13-103	173-19-3303	REP-P	96-13-103
173-17-040 173-17-050	REP-P	96-13-103 96-13-103	173-19-230	REP-P REP-P	96-13-103 96-13-103	173-19-3304 173-19-340	REP-P REP-P	96-13-103 96-13-103
173-17-060	REP-P	96-13-103	173-19-2302	REP-P	96-13-103	173-19-3401	REP-P	96-13-103
173-17-070	REP-P	96-13-103	173-19-2303	REP-P	96-13-103	173-19-3402	REP-P	96-13-103
173-17-080	REP-P	96-13-103	173-19-240	REP-P	96-13-103	173-19-3403	REP-P	96-13-103
173-19-010	REP-P	96-13-103	173-19-2401	REP-P	96-13-103	173-19-3404	REP-P	96-13-103
173-19-020	REP-P	96-13-103	173-19-250	REP-P	96-13-103	173-19-3405	REP-P	96-13-103
173-19-030	REP-P	96-13-103	173-19-2501	REP-P	96-13-103	173-19-350	REP-P	96-13-103
173-19-040	REP-P	96-13-103	173-19-2502	REP-P	96-13-103	173-19-3501	REP-P	96-13-103
173-19-044 173-19-050	REP-P REP-P	96-13-103 96-13-103	173-19-2503 173-19-2504	REP-P REP-P	96-13-103 96-13-103	173-19-3502 173-19-3503	REP-P REP-P	96-13-103 96-13-103
173-19-060	REP-P	96-13-103	173-19-2505	REP-P	96-13-103	173-19-3504	REP-P	96-13-103
173-19-061	REP-P	96-13-103	173-19-2506	REP-P	96-13-103	173-19-3505	REP-P	96-13-103
173-19-062	REP-P	96-13-103	173-19-2507	REP-P	96-13-103	173-19-3506	REP-P	96-13-103
173-19-064	REP-P	96-13-103	173-19-2508	REP-P	96-13-103	173-19-3507	REP-P	96-13-103
173-19-070	REP-P	96-13-103	173-19-2509	REP-P	96-13-103	173-19-3508	REP-P	96-13-103
173-19-080	REP-P	96-13-103	173-19-2510	REP-P	96-13-103	173-19-3509	REP-P	96-13-103
173-19-090 173-19-100	REP-P REP-P	96-13-103 96-13-103	173-19-2511 173-19-2512	REP-P REP-P	96-13-103 96-13-103	173-19-3510 173-19-3511	REP-P REP-P	96-13-103 96-13-103
173-19-1001	REP-P	96-13-103	173-19-2513	REP-P	96-13-103	173-19-3512	REP-P	96-13-103
173-19-1002	REP-P	96-13-103	173-19-2514	REP-P	96-13-103	173-19-3513	REP-P	96-13-103
173-19-110	REP-P	96-13-103	173-19-2515	REP-P	96-13-103	173-19-3514	REP-P	96-13-103
173-19-1101	REP-P	96-13-103	173-19-2516	REP-P	96-13-103	173-19-3515	REP-P	96-13-103
173-19-1102	REP-P	96-13-103	173-19-2517	REP-P	96-13-103	173-19-360	REP-P	96-13-103
173-19-1103	REP-P	96-13-103	173-19-2518	REP-P	96-13-103	173-19-3601	REP-P	96-13-103
173-19-1104 173-19-1105	REP-P REP-P	96-13-103 96-13-103	173-19-2519 173-19-2520	REP-P REP-P	96-13-103 96-13-103	173-19-370 173-19-3701	REP-P REP-P	96-13-103 96-13-103
173-19-1103	REP-P	96-13-103	173-19-2521	REP-P	96-13-103	173-19-3701	REP-P	96-13-103
173-19-1201	REP-P	96-13-103	173-19-2522	REP-P	96-13-103	173-19-3703	REP-P	96-13-103
173-19-1202	REP-P	96-13-103	173-19-2523	REP-P	96-13-103	173-19-3704	REP-P	96-13-103
173-19-1203	REP-P	96-13-103	1.73-19-2524	REP-P	96-13-103	173-19-3705	REP-P	96-13-103
173-19-1204	REP-P	96-13-103	173-19-2525	REP-P	96-13-103	173-19-3706	REP-P	96-13-103
173-19-1205	REP-P	96-13-103	173-19-260	REP-P	96-13-103	173-19-3707	REP-P	96-13-103
173-19-130 173-19-1301	REP-P REP-P	96-13-103 96-13-103	173-19-2601 173-19-2602	REP-P REP-P	96-13-103 96-13-103	173-19-380 173-19-3801	REP-P REP-P	96-13-103 96-13-103
173-19-1301	REP-P	96-13-103	173-19-2603	REP-P	96-13-103	173-19-3802	REP-P	96-13-103
173-19-1401	REP-P	96-13-103	173-19-2604	REP-P	96-13-103	173-19-3002	REP-P	96-13-103
173-19-1402	REP-P	96-13-103	173-19-270	REP-P	96-13-103	173-19-3901	REP-P	96-13-103
173-19-1403	REP-P	96-13-103	173-19-2701	REP-P	96-13-103	173-19-3902	REP-P	96-13-103
173-19-1404	REP-P	96-13-103	173-19-2702	REP-P	96-13-103	173-19-3903	REP-P	96-13-103
173-19-1405	REP-P	96-13-103	173-19-2703	REP-P	96-13-103	173-19-3904	REP-P	96-13-103
173-19-150 173-19-1501	REP-P REP-P	96-13-103 96-13-103	173-19-280 173-19-2801	REP-P REP-P	96-13-103 96-13-103	173-19-3905	REP-P	96-13-103
173-19-1501	REP-P	96-13-103	173-19-2802	REP-P	96-13-103 96-13-103	173-19-3906 173-19-3907	REP-P REP-P	96-13-103 96-13-103
173-19-160	REP-P	96-13-103	173-19-2802	REP-P	96-13-103	173-19-3907	REP-P	96-13-103
173-19-1601	REP-P	96-13-103	173-19-290	REP-P	96-13-103	173-19-3909	REP-P	96-13-103
173-19-1602	REP-P	96-13-103	173-19-2901	REP-P	96-13-103	173-19-3910	REP-P	96-13-103
173-19-1603	REP-P	96-13-103	173-19-2902	REP-P	96-13-103	173-19-3911	REP-P	96-13-103
173-19-1604	REP-P	96-13-103	173-19-2903	REP-P	96-13-103	173-19-3912	REP-P	96-13-103
173-19-1605	REP-P	96-13-103	173-19-2904	REP-P	96-13-103	173-19-3913	REP-P	96-13-103

[5] Table

WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
173-19-3914	REP-P	96-13-103	173-27-090	NEW-P	96-13-103	173-354-680	NEW-W	96-05-020
173-19-3915	REP-P	96-13-103	173-27-100	NEW-P	96-13-103	173-354-700	NEW-W	96-05-020
173-19-3916	REP-P	96-13-103	173-27-110	NEW-P	96-13-103	173-354-720	NEW-W	96-05-020
173-19-400	REP-P	96-13-103	173-27-120	NEW-P	96-13-103	173-354-800	NEW-W	96-05-020
173-19-4001	REP-P	96-13-103	173-27-130	NEW-P	96-13-103	173-354-900	NEW-W	96-05-020
173-19-4002	REP-P	96-13-103	173-27-140	NEW-P	96-13-103	173-354-990	NEW-W	96-05-020
173-19-4003	REP-P	96-13-103	173-27-150	NEW-P	96-13-103	173-400	PREP	96-12-080
173-19-4004 173-19-4005	REP-P REP-P	96-13-103	173-27-160	NEW-P	96-13-103	173-400	AMD-C	96-13-081
173-19-4005	REP-P	96-13-103 96-13-103	173-27-170 173-27-180	NEW-P NEW-P	96-13-103 96-13-103	173-400-030 173-400-045	AMD-P AMD-P	96-06-036 96-06-036
173-19-4000	REP-P	96-13-103	173-27-190	NEW-P	96-13-103	173-400-070	AMD-P	96-06-036
173-19-4101	REP-P	96-13-103	173-27-200	NEW-P	96-13-103	173-400-075	AMD-P	96-06-036
173-19-4102	REP-P	96-13-103	173-27-210	NEW-P	96-13-103	173-400-105	AMD-P	96-06-036
173-19-420	REP-P	96-13-103	173-27-220	NEW-P	96-13-103	173-400-115	AMD-P	96-06-036
173-19-4201	REP-P	96-13-103	173-27-240	NEW-P	96-13-103	173-400-116	AMD-P	96-06-036
173-19-4202	REP-P	96-13-103	173-27-250	NEW-P	96-13-103	173-400-141	AMD-P	96-06-036
173-19-4203	REP-P	96-13-103	173-27-260	NEW-P	96-13-103	173-401	PREP	96-11-134
173-19-4204	REP-P	96-13-103	173-27-270	NEW-P	96-13-103	173-422-030	AMD-P	96-12-023
173-19-4205 173-19-4206	REP-P	96-13-103	173-27-280	NEW-P	96-13-103	173-422-050	AMD-P	96-12-023
173-19-4200 173-19-430	REP-P REP-P	96-13-103	173-27-290	NEW-P	96-13-103	173-422-060	AMD-P	96-12-023
173-19-4301	REP-P	96-13-103 96-13-103	173-27-300 173-27-310	NEW-P NEW-P	96-13-103 96-13-103	173-422-070 173-422-170	AMD-P AMD-P	96-12-023
73-19-440	REP-P	96-13-103	173-27-990	NEW-P	96-13-103	173-422-170	AMD-P	96-12-023 96-12-023
173-19-4401	REP-P	96-13-103	173-145-100	AMD-E	96-09-007	173-422-190	PREP	96-12-023
173-19-4402	REP-P	96-13-103	173-224-040	AMD	96-03-041	173-430-040	AMD-E	96-08-041
173-19-450	REP-P	96-13-103	173-224-050	AMD	96-03-041	173-492	PREP	96-11-135
173-19-4501	REP-P	96-13-103	173-224-070	REP	96-03-041	173-806	PREP	96-06-018
173-19-4502	REP-P	96-13-103	173-224-090	AMD	96-03-041	174-120	PREP	96-03-138
73-19-4503	REP-P	96-13-103	173-303-515	REP-W	96-05-020	174-120-010	REP-P	96-08-066
73-19-4504	REP-P	96-13-103	173-330-010	REP-W	96-05-020	174-120-010	REP	96-13-086
73-19-4505	REP-P	96-13-103	173-330-020	REP-W	96-05-020	174-120-015	NEW-P	96-08-066
73-19-4506 73-19-4507	REP-P REP-P	96-13-103	173-330-030	REP-W	96-05-020	174-120-015	NEW	96-13-086
73-19-460	REP-P	96-13-103 96-13-103	173-330-040 173-330-050	REP-W REP-W	96-05-020 96-05-020	174-120-025 174-120-025	NEW-P NEW	96-08-066
73-19-4601	REP-P	96-13-103	173-330-050	REP-W	96-05-020	174-120-023	REP-P	96-13-086 96-08-066
73-19-4602	REP-P	96-13-103	173-330-000	REP-W	96-05-020	174-120-030	REP	96-13-086
73-19-4603	REP-P	96-13-103	173-330-900	REP-W	96-05-020	174-120-035	NEW-P	96-08-066
73-19-4604	REP-P	96-13-103	173-340-200	AMD	96-04-010	174-120-035	NEW	96-13-086
73-19-4605	REP-P	96-13-103	173-340-440	AMD	96-04-010	174-120-040	REP-P	96-08-066
73-19-4606	REP-P	96-13-103	173-340-530	AMD	96-04-010	174-120-040	REP	96-13-086
173-19-4607	REP-P	96-13-103	173-340-700	AMD	96-04-010	174-120-045	NEW-P	96-08-066
73-19-470	REP-P REP-P	96-13-103	173-340-706	AMD	96-04-010	174-120-045	NEW	96-13-086
73-19-4701 73-19-4702	REP-P	96-13-103 96-13-103	173-340-740 173-340-745	AMD AMD	96-04-010	174-120-050	REP-P	96-08-066
73-19-4702	REP-P	96-13-103	173-354-008	NEW-W	96-04-010 96-05-020	174-120-050	REP	96-13-086
73-19-4704	REP-P	96-13-103	173-354-008	NEW-W	96-05-020	174-120-055 174-120-055	NEW-P NEW	96-08-066 96-13-086
73-19-4705	REP-P	96-13-103	173-354-020	NEW-W	96-05-020	174-120-060	REP-P	96-13-086
73-19-4706	REP-P	96-13-103	173-354-050	NEW-W	96-05-020	174-120-060	REP	96-13-086
73-19-4707	REP-P	96-13-103	173-354-070	NEW-W	96-05-020	174-120-065	NEW-P	96-08-066
73-26-010	NEW-P	96-13-103	173-354-090	NEW-W	96-05-020	174-120-065	NEW	96-13-086
73-26-020	NEW-P	96-13-103	173-354-100	NEW-W	96-05-020	174-120-070	REP-P	96-08-066
73-26-030	NEW-P	96-13-103	173-354-150	NEW-W	96-05-020	174-120-070	REP	96-13-086
73-26-040	NEW-P	96-13-103	173-354-200	NEW-W	96-05-020	174-120-075	NEW-P	96-08-066
73-26-050 73-26-060	NEW-P	96-13-103 96-13-103	173-354-230	NEW-W	96-05-020	174-120-075	NEW	96-13-086
73-26-060 73-26-070	NEW-P NEW-P	96-13-103 96-13-103	173-354-300	NEW-W	96-05-020	174-120-080	REP-P	96-08-066
73-26-070 73-26-080	NEW-P	96-13-103	173-354-320 173-354-340	NEW-W NEW-W	96-05-020 96-05-020	174-120-080	REP	96-13-086
73-26-090	NEW-P	96-13-103	173-354-360	NEW-W	96-05-020 96-05-020	174-120-085 174-120-085	NEW-P	96-08-066
73-26-100	NEW-P	96-13-103	173-354-380	NEW-W	96-05-020	174-120-083	NEW REP-P	96-13-086 96-08-066
73-26-110	NEW-P	96-13-103	173-354-400	NEW-W	96-05-020	174-120-090	REP	96-13-086
73-26-120	NEW-P	96-13-103	173-354-440	NEW-W	96-05-020	180-16-238	PREP	96-04-070
73-26-130	NEW-P	96-13-103	173-354-460	NEW-W	96-05-020	180-16-238	NEW-P	96-07-046
73-26-140	NEW-P	96-13-103	173-354-500	NEW-W	96-05-020	180-16-238	NEW	96-11-111
73-26-150	NEW-P	96-13-103	173-354-515	NEW-W	96-05-020	180-20	PREP	96-08-060
73-26-160	NEW-P	96-13-103	173-354-525	NEW-W	96-05-020	180-20-005	AMD-P	96-12-089
73-27-010	NEW-P	96-13-103	173-354-535	NEW-W	96-05-020	180-20-045	AMD-P	96-12-089
73-27-020	NEW-P	96-13-103	173-354-545	NEW-W	96-05-020	180-27-056	PREP	96-13-011
73-27-030 73-27-040	NEW-P NEW-P	96-13-103	173-354-555	NEW-W	96-05-020	180-40	PREP	96-10-003
73-27-040 73-27-050	NEW-P NEW-P	96-13-103 96-13-103	173-354-600	NEW-W	96-05-020	180-40-205	AMD-P	96-12-088
73-27-030 73-27-060	NEW-P	96-13-103 96-13-103	173-354-620 173-354-640	NEW-W NEW-W	96-05-020 96-05-020	180-40-240 180-40-240	AMD-P	96-08-061
			1/3-334-040	IAEM-M	90-03-020		AMD-W	96-09-025
73-27-070	NEW-P	96-13-103	173-354-660	NEW-W	96-05-020	180-40-240	AMD-P	96-12-088

Table of WAC Sections Affected

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_	WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
)	·		04.00.005	100 00 100		04.00.070	100.00.015	NEW D	06.00.060
	180-40-255	AMD-W	96-09-025	182-08-190	AMD-P	96-02-079	192-36-015	NEW-P	96-08-062
	180-40-255	AMD-P	96-12-088	182-08-190	AMD	96-08-042	192-36-015	NEW	96-11-141
	180-40-310	AMD-P	96-08-061	182-08-195	REP-P	96-02-079	192-36-020	NEW-P	96-08-062
	180-40-310	AMD-W	96-09-025	182-08-195	REP	96-08-042	192-36-020	NEW	96-11-141
	180-40-310	AMD-P	96-12-088	182-08-200	AMD-P	96-02-079	192-36-025	NEW-P	96-08-062
	180-40-315	AMD-P	96-08-061	182-08-200	AMD	96-08-042	192-36-025	NEW	96-11-141
	180-40-315	AMD-W	96-09-025	182-08-210	AMD-P	96-02-079	196-16-005	REP-P	96-07-052
	180-40-315	AMD-P	96-12-088	182-08-210	AMD	96-08-042	196-16-005	REP	96-11-086
	180-40-317	NEW-P	96-08-061	182-08-220	AMD-P	96-02-079	196-16-007	AMD-P	96-07-052
	180-40-317	NEW-W	96-09-025	182-08-220	AMD	96-08-042	196-16-007	AMD	96-11-086
	180-40-317	NEW-P	96-12-088	182-08-300	REP-P	96-02-079	196-16-010	AMD-P	96-07-052
	180-40-320	AMD-P	96-08-061	182-08-300	REP	96-08-042	196-16-010	AMD	96-11-086
	180-40-320	AMD-W	96-09-025	182-12-110	AMD-P	96-02-080	196-16-020	AMD-P	96-07-052
	180-40-320	AMD-P	96-12-088	182-12-110	AMD	96-08-043	196-16-020	AMD	96-11-086
	180-51-050	AMD-P	96-04-071	182-12-111	AMD-P	96-02-080	196-16-031	AMD-P	96-07-052
	180-51-050	AMD-C	96-09-010	182-12-111	AMD	96-08-043	196-16-031	AMD	96-11-086
	180-51-050	AMD	96-09-027	182-12-115	AMD-P	96-02-080	196-20-010	AMD-P	96-07-052
	180-75-047	AMD	96-08-022	182-12-115	AMD	96-08-043	196-20-010	AMD	96-11-086
	180-78-145	PREP	96-13-051	182-12-117	NEW-P	96-02-080	196-20-020	AMD-P	96-07-052
	180-78-160	PREP	96-07-102	182-12-117	NEW	96-08-043	196-20-020	AMD	96-11-086
	180-78-160	AMD-P	96-12-086	182-12-119	NEW-P	96-02-080	196-20-030	AMD-P	96-07-052
	180-79-086	AMD-P	96-04-047	182-12-119	NEW	96-08-043	196-20-030	AMD	96-11-086
	180-79-086	AMD	96-08-023	182-12-122	REP-P	96-02-080	196-21-010	NEW-P	96-07-052
	180-79-230	AMD	96-08-022	182-12-122	REP	96-08-043	196-21-010	NEW	96-11-086
	180-79-311	AMD-P	96-04-048	182-12-130	REP-P	96-02-080	196-21-020	NEW-P	96-07-052
	180-79-311	AMD	96-08-024	182-12-130	REP	96-08-043	196-21-020	NEW	96-11-086
	180-79-334	AMD-P	96-04-049	182-12-132	AMD-P	96-02-080	196-21-030	NEW-P	96-07-052
	180-79-334	AMD	96-08-025	182-12-132	AMD	96-08-043	196-21-030	NEW	96-11-086
	180-83-010	NEW	96-04-073	182-12-145	AMD-P	96-02-080	196-24-058	NEW-P	96-07-037
	180-83-020	NEW	96-04-073	182-12-145	AMD	96-08-043	196-24-058	NEW	96-11-085
	180-83-030	NEW	96-04-073	182-12-151	REP-P	96-02-080	204-56	PREP	96-06-060
	180-83-040	NEW	96-04-073	182-12-151	REP	96-08-043	204-56-085	AMD-P	96-09-080
	180-83-050	NEW	96-04-073	182-12-160	REP-P	96-02-080	208-08-010	NEW-P	96-06-085
	180-83-060	NEW	96-04-073	182-12-160	REP	96-08-043	208-08-010	NEW	96-11-035
	180-83-070	NEW	96-04-073	182-12-165	REP-P	96-02-080	208-08-020	NEW-P	96-06-085
	180-85-025	AMD-P	96-04-074	182-12-165	REP	96-08-043	208-08-020	NEW	96-11-035
	180-85-025	AMD	96-08-013	182-12-200	AMD-P	96-02-080	208-08-030	NEW-P	96-06-085
	180-85-030	PREP	96-13-050	182-12-200	AMD	96-08-043	208-08-030	NEW	96-11-035
	180-85-032	NEW-P	96-04-074	182-12-215	AMD-P	96-02-080	208-08-040	NEW-P	96-06-085
	180-85-032	NEW	96-08-013	182-12-215	AMD	96-08-043	208-08-040	NEW	96-11-035
	180-86	PREP	96-06-038	182-12-220	AMD-P	96-02-080	208-08-050	NEW-P	96-06-085
	180-87-093	NEW-P	96-04-072	182-12-220	AMD	96-08-043	208-08-050	NEW	96-11-035
	180-87-093	NEW	96-08-012	182-25-001	NEW-P	96-09-102	208-08-060	NEW-P	96-06-085
	180-90	PREP	96-09-026	182-25-010	NEW-P	96-09-102	208-08-060	NEW	96-11-035
	180-90-115	AMD-P	96-12-087	182-25-020	NEW-P	96-09-102	208-08-070	NEW-P	96-06-085
	180-90-125	AMD-P	96-12-087	182-25-030	NEW-P	96-09-102	208-08-070	NEW	96-11-035
	180-90-160	AMD-P	96-12-087	182-25-040	NEW-P	96-09-102	208-08-080	NEW-P	96-06-085
	182-08-010	AMD-P	96-02-079	182-25-050	NEW-P	96-09-102	208-08-080	NEW	96-11-035
	182-08-010	AMD	96-08-042	182-25-060	NEW-P	96-09-102	208-08-090	NEW-P	96-06-085
	182-08-015	NEW-P	96-02-079	182-25-070	NEW-P	96-09-102	208-08-090	NEW	96-11-035
	182-08-015	NEW	96-08-042	182-25-080	NEW-P	96-09-102	208-08-100	NEW-P	96-06-085
	182-08-020	AMD-P	96-02-079	182-25-090	NEW-P	96-09-102	208-08-100	NEW	96-11-035
	182-08-020	AMD	96-08-042	182-25-100	NEW-P	96-09-102	208-08-110	NEW-P	96-06-085
	182-08-030	REP-P	96-02-079	182-25-105	NEW-P	96-09-102	208-08-110	NEW	96-11-035
	182-08-030	REP	96-08-042	182-25-110	NEW-P	96-09-102	208-08-120	NEW-P	96-06-085
	182-08-040	REP-P	96-02-079	184-10-140	NEW-C	96-03-033	208-08-120	NEW	96-11-035
	182-08-040	REP	96-08-042	192-12-300	PREP	96-03-158	208-08-130	NEW-P	96-06-085
	182-08-060	REP-P	96-02-079	192-12-300	AMD-P	96-12-082	208-08-130	NEW	96-11-035
	182-08-060	REP	96-08-042	192-12-305	PREP	96-03-158	208-08-140	NEW-P	96-06-085
	182-08-090	NEW-P	96-02-079	192-12-305	REP-P	96-12-082	208-08-140	NEW	96-11-035
	182-08-095	NEW	96-08-042	192-16-002	AMD-P	96-04-065	208-12-010	NEW-P	96-11-145
	182-08-110	REP-P	96-02-079	192-16-002	AMD	96-11-002	208-12-020	NEW-P	96-11-145
	182-08-110	REP	96-08-042	192-16-024	NEW-P	96-04-065	208-12-030	NEW-P	96-11-145
	182-08-120	AMD-P	96-02-079	192-16-024	NEW	96-11-002	208-12-040	NEW-P	96-11-145
	182-08-120	AMD	96-08-042	192-16-051	AMD-P	96-04-065	208-12-050	NEW-P	96-11-145
	182-08-160	AMD-P	96-02-079	192-16-051	AMD	96-11-002	208-12-070	NEW-P	96-11-145
	182-08-160	AMD	96-08-042	192-16-052	NEW-P	96-04-065	208-12-080	NEW-P	96-11-145
	182-08-165	AMD-P	96-02-079	192-16-052	NEW	96-11-002	208-12-090	NEW-P	96-11-145
1	182-08-165	AMD	96-08-042	192-10-032	PREP	96-03-159	208-12-100	NEW-P	96-11-145
	182-08-170	REP-P	96-02-079	192-28-103	PREP	96-03-159	208-12-100	NEW-P	96-11-145
	182-08-170	REP	96-08-042	192-33-001	NEW-E	96-09-004	208-12-110	NEW-P	96-11-145
	182-08-170	AMD-P	96-02-079	192-36-010	NEW-P	96-08-062	208-12-120	NEW-P	96-11-145
	182-08-180	AMD-1	96-08-042	192-36-010	NEW	96-11-141	208-418	AMD-P	96-08-076
	102 00 100					70 11 171	. 200 110	AMD-F	70-00-07 0

[7] Table

WAC #		WSR #	WAC#		WSR #	WAC #		WSR #
208-418	AMD	96-12-058	208-620-060	NEW	96-04-013	208 660 200	RECOD	96-04-028
208-418-020	RECOD	96-06-011	208-620-070	NEW	96-04-013	208-660-200 208-660-210	RECOD	96-04-028
208-418-020	AMD-P	96-08-076	208-620-080	NEW	96-04-013	208-680A	PREP	96-06-084
208-418-020	AMD	96-12-058	208-620-090	NEW	96-04-013	208-680A-010	RECOD	96-05-018
208-418-030	RECOD	96-06-011	208-620-100	RECOD	96-04-013	208-680A-020	RECOD	96-05-018
208-418-030	REP-P	96-08-076	208-620-110	RECOD	96-04-013	208-680A-030	RECOD	96-05-018
208-418-030	REP	96-12-058	208-620-120	RECOD	96-04-013	208-680A-040	RECOD	96-05-018
208-418-040	RECOD	96-06-011	208-620-130	RECOD	96-04-013	208-680B	PREP	96-06-084
208-418-040	AMD-P	96-08-076	208-620-140	RECOD	96-04-013	208-680B-010	RECOD	96-05-018
208-418-040	AMD	96-12-058	208-620-150	NEW	96-04-013	208-680B-020	RECOD	96-05-018
208-418-045	RECOD	96-06-011	208-620-160	RECOD	96-04-013	208-680B-030	RECOD	96-05-018
208-418-045	AMD-P	96-08-076	208-620-170	RECOD NEW	96-04-013	208-680B-050	RECOD	96-05-018
208-418-050 208-418-050	RECOD AMD-P	96-06-011 96-08-076	208-620-180 208-620-190	RECOD	96-04-013 96-04-013	208-680B-070 208-680B-080	RECOD RECOD	96-05-018 96-05-018
208-418-050	AMD	96-12-058	208-620-200	NEW	96-04-013	208-680B-090	RECOD	96-05-018
208-418-060	RECOD	96-06-011	208-620-210	RECOD	96-04-013	208-680C	PREP	96-06-084
208-418-060	AMD-P	96-08-076	208-620-220	NEW	96-04-013	208-680C-020	RECOD	96-05-018
208-418-060	AMD	96-12-058	208-630-005	RECOD	96-03-059	208-680C-030	RECOD	96-05-018
208-418-070	RECOD	96-06-011	208-630-010	RECOD	96-03-059	208-680C-040	RECOD	96-05-018
208-418-070	AMD-P	96-08-076	208-630-015	RECOD	96-03-059	208-680C-050	RECOD	96-05-018
208-418-070	AMD	96-12-058	208-630-020	RECOD	96-03-059	208-680D	PREP	96-06-084
208-418-080	RECOD	96-06-011	208-630-025	RECOD	96-03-059	208-680D-010	RECOD	96-05-018
208-418-080	REP-P	96-08-076	208-630-030	RECOD	96-03-059	208-680D-020	RECOD	96-05-018
208-418-080	REP	96-12-058	208-630-035	RECOD	96-03-059	208-680D-030	RECOD	96-05-018
208-436-010 208-436-020	RECOD RECOD	96-06-011 96-06-011	208-630-040 208-630-050	RECOD RECOD	96-03-059 96-03-059	208-680D-040 208-680D-050	RECOD	96-05-018
208-436-030	RECOD	96-06-011	208-630-060	RECOD	96-03-059	208-680D-060	RECOD RECOD	96-05-018 96-05-018
208-436-040	RECOD	96-06-011	208-630-065	RECOD	96-03-059	208-680D-070	RECOD	96-05-018
208-436-050	RECOD	96-06-011	208-630-068	RECOD	96-03-059	208-680D-080	RECOD	96-05-018
208-436-060	RECOD	96-06-011	208-630-070	RECOD	96-03-059	208-680E	PREP	96-06-084
208-436-070	RECOD	96-06-011	208-630-075	RECOD	96-03-059	208-680E-011	RECOD	96-05-018
208-436-080	RECOD	96-06-011	208-630-080	RECOD	96-03-059	208-680F	PREP	96-06-084
208-436-090	RECOD	96-06-011	208-630-085	RECOD	96-03-059	208-680F-010	RECOD	96-05-018
208-440-010	RECOD	96-06-011	208-630-090	RECOD	96-03-059	208-680F-020	RECOD	96-05-018
208-440-020	RECOD	96-06-011	208-630-095	RECOD	96-03-059	208-680F-040	RECOD	96-05-018
208-440-030	RECOD	96-06-011	208-630-100	RECOD	96-03-059	208-680F-050	RECOD	96-05-018
208-440-040 208-440-050	RECOD RECOD	96-06-011 96-06-011	208-660-010 208-660-020	RECOD RECOD	96-04-028 96-04-028	208-680F-060 208-680F-070	RECOD RECOD	96-05-018
208-444-010	RECOD	96-06-011	208-660-020	RECOD	96-04-028	212-17-185	REP-E	96-05-018 96-11-068
208-464-010	RECOD	96-06-011	208-660-035	RECOD	96-04-028	212-17-185	PREP	96-12-063
208-464-020	RECOD	96-06-011	208-660-040	RECOD	96-04-028	212-17-190	REP-E	96-11-068
208-464-030	RECOD	96-06-011	208-660-042	RECOD	96-04-028	212-17-190	PREP	96-12-063
208-464-040	RECOD	96-06-011	208-660-045	RECOD	96-04-028	212-17-195	REP-E	96-11-068
208-464-050	RECOD	96-06-011	208-660-050	RECOD	96-04-028	212-17-195	PREP	96-12-063
208-464-060	RECOD	96-06-011	208-660-060	RECOD	96-04-028	212-17-200	REP-E	96-11-068
208-464-070	RECOD	96-06-011	208-660-070	RECOD	96-04-028	212-17-200	PREP	96-12-063
208-464-080 208-464-090	RECOD RECOD	96-06-011 96-06-011	208-660-080	RECOD RECOD	96-04-028	212-17-203	REP-E	96-11-068
208-472-010	RECOD	96-06-011	208-660-08005 208-660-08010	RECOD	96-04-028 96-04-028	212-17-203 212-17-205	PREP REP-E	96-12-063
208-472-010	RECOD	96-06-011	208-660-08015	RECOD	96-04-028	212-17-205	PREP	96-11-068 96-12-063
208-472-015	RECOD	96-06-011	208-660-08020	RECOD	96-04-028	212-17-203	REP-E	96-11-068
208-472-020	RECOD	96-06-011	208-660-08025	RECOD	96-04-028	212-17-210	PREP	96-12-063
208-472-025	RECOD	96-06-011	208-660-08030	RECOD	96-04-028	212-17-215	AMD-E	96-11-068
208-472-041	RECOD	96-06-011	208-660-08035	RECOD	96-04-028	212-17-215	PREP	96-12-063
208-472-045	RECOD	96-06-011	208-660-08040	RECOD	96-04-028	212-17-21501	NEW-E	96-11-068
208-472-050	RECOD	96-06-011	208-660-085	RECOD	96-04-028	212-17-21501	PREP	96-12-063
208-472-060	RECOD	96-06-011	208-660-090	RECOD	96-04-028	212-17-21503	NEW-E	96-11-068
208-472-065 208-472-070	RECOD RECOD	96-06-011 96-06-011	208-660-09005 208-660-09010	RECOD	96-04-028	212-17-21503	PREP	96-12-063
208-472-075	RECOD	96-06-011	208-660-09015	RECOD RECOD	96-04-028 96-04-028	212-17-21506 212-17-21506	NEW-E	96-11-068
208-472-080	RECOD	96-06-011	208-660-09020	RECOD	96-04-028	212-17-21509	PREP NEW-E	96-12-063 96-11-068
208-480-010	RECOD	96-06-011	208-660-100	RECOD	96-04-028	212-17-21509	PREP	96-12-063
208-480-020	RECOD	96-06-011	208-660-110	RECOD	96-04-028	212-17-21512	NEW-E	96-11-068
208-480-030	RECOD	96-06-011	208-660-120	RECOD	96-04-028	212-17-21512	PREP	96-12-063
208-480-040	RECOD	96-06-011	208-660-125	RECOD	96-04-028	212-17-21515	NEW-E	96-11-068
208-480-050	RECOD	96-06-011	208-660-130	RECOD	96-04-028	212-17-21515	PREP	96-12-063
208-480-060	RECOD	96-06-011	208-660-140	RECOD	96-04-028	212-17-21518	NEW-E	96-11-068
208-480-070	RECOD	96-06-011	208-660-145	RECOD	96-04-028	212-17-21518	PREP	96-12-063
208-620-010	NEW	96-04-013	208-660-150	RECOD	96-04-028	212-17-21521	NEW-E	96-11-068
208-620-020 208-620-030	NEW NEW	96-04-013 96-04-013	208-660-160 208-660-165	RECOD	96-04-028	212-17-21521	PREP	96-12-063
208-620-040	NEW NEW	96-04-013 96-04-013	208-660-165	RECOD RECOD	96-04-028 96-04-028	212-17-21525	NEW-E	96-11-068
208-620-050	NEW	96-04-013	208-660-170	RECOD	96-04-028 96-04-028	212-17-21525 218-04-010	PREP NEW-P	96-12-063 96-13-063
200 020 030		>0 0+·013	1 200-000-170	NECOL	70-0 -1 -040	£10-0 7- 010	IAT: 44-L	30-13-003

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
			220 56 100	AMDC	96-05-005	220-57-140	AMD-W	96-11-084
218-04-020	NEW-P	96-13-063	220-56-100	AMD-C	96-03-003 96-11-078	220-57-155	AMD-W	96-05-005
218-04-030	NEW-P	96-13-063	220-56-100 220-56-10300A	AMD NEW-E	96-13-052	220-57-155	AMD	96-11-078
218-04-040	NEW-P	96-13-063	220-56-10500A 220-56-105	AMD-C	96-05-005	220-57-160	AMD-C	96-05-005
218-04-050	NEW-P	96-13-063	220-56-105	AMD-C	96-11-078	220-57-160	AMD-W	96-11-084
220-16-320	AMD-W	96-11-084	220-56-10500A	NEW-E	96-11-078	220-57-16000D	NEW-E	96-06-052
220-32-05100S	NEW-E	96-04-039		AMD-W	96-11-039	220-57-16000E	NEW-E	96-11-033
220-32-05100S	REP-E	96-04-039	220-56-115	AMD-W	96-11-084	220-57-16000E	REP-E	96-11-033
220-32-05500V	NEW-E	96-10-015	220-56-116 220-56-124	AMD-W	96-05-005	220-57-16000E	NEW-E	96-12-013
220-32-05500V	REP-E	96-12-029	220-56-124	AMD-C	96-11-078	220-57-100001	AMD-C	96-05-005
220-32-05000W	NEW-E	96-12-029	220-56-189	AMD-W	96-11-084	220-57-170	AMD-W	96-11-084
220-32-05000W	REP-E	96-12-069		AMD-W	96-05-005	220-57-175	AMD-C	96-05-005
220-32-05000X	NEW-E	96-12-069	220-56-190	AMD-C	96-11-078	220-57-175	AMD	96-11-078
220-32-05700S	NEW-E	96-08-064	220-56-190	AMD-C	96-05-005	220-57-17500D	NEW-E	96-08-045
220-32-05700S	REP-E	96-08-064	220-56-191	AMD-C	96-11-078	220-57-187	NEW-C	96-05-005
220-32-05700T	NEW-E	96-11-092	220-56-191	NEW-E	96-09-063	220-57-187	NEW-W	96-11-084
220-32-05700T	REP-E	96-11-092	220-56-19100Q	AMD-W	96-11-084	220-57-190	AMD-C	96-05-005
220-33-01000D	NEW-E	96-05-055	220-56-192	AMD-W	96-05-005	220-57-190	AMD-W	96-11-084
220-33-01000D	REP-E	96-05-055	220-56-195	AMD-C	96-03-003	220-57-200	AMD-C	96-05-005
220-33-03000J	NEW-E	96-11-032	220-56-195	AMD-C	96-05-005	220-57-200	AMD-C	96-11-078
220-33-03000J	REP-E	96-11-032	220-56-205		96-11-078	220-57-205	AMD-C	96-05-005
220-33-04000B	NEW-E	96-04-026	220-56-205	AMD		220-57-205	AMD-W	96-11-084
220-33-04000B	REP-E	96-04-026	220-56-20500A	NEW-E	96-11-039	220-57-210	AMD-W	96-05-005
220-36-021	AMD-P	96-09-104	220-56-225	AMD-W	96-11-084	220-57-210	AMD-C	96-11-084
220-36-021	AMD	96-13-035	220-56-235	AMD	96-05-004			96-05-005
220-36-023	AMD-P	96-09-104	220-56-240	AMD	96-05-004	220-57-215	AMD-C	96-11-078
220-36-023	AMD	96-13-035	220-56-24000B	NEW-E	96-08-063	220-57-215	AMD	96-05-005
220-40-021	AMD-P	96-09-104	220-56-250	AMD-W	96-11-084	220-57-220	AMD-C	96-11-084
220-40-021	AMD	96-13-035	220-56-25500C	NEW-E	96-12-012	220-57-220	AMD-W	
220-40-027	AMD-P	96-09-104	220-56-28500G	NEW-E	96-06-052	220-57-230	AMD-C	96-05-005
220-40-027	AMD	96-13-035	220-56-28500G	REP-E	96-06-052	220-57-230	AMD-W	96-11-084
220-44-030	AMD-P	96-03-154	220-56-28500H	NEW-E	96-08-063	220-57-235	AMD-C	96-05-005
220-44-030	AMD	96-11-055	220-56-310	AMD-C	96-05-005	220-57-235	AMD	96-11-078
220-44-050	AMD-P	96-03-154	220-56-310	AMD-W	96-11-084	220-57-240	AMD-C	96-05-005
220-44-050	AMD	96-11-055	220-56-325	AMD	96-05-004	220-57-240	AMD	96-11-078
220-44-05000W	REP-E	96-11-094	220-56-32500E	NEW-E	96-09-049	220-57-250	AMD-C	96-05-005
220-44-05000X	NEW-E	96-11-094	220-56-32500F	NEW-E	96-11-034	220-57-250	AMD-W	96-11-084
220-47-304	AMD-P	96-09-105	220-56-32500F	REP-E	96-11-034	220-57-260	AMD-C	96-05-005
220-47-307	AMD-P	96-09-105	220-56-32500G	NEW-E	96-11-099	220-57-260	AMD-W	96-11-084
220-47-311	AMD-P	96-09-105	220-56-32500H	NEW-E	96-12 - 068	220-57-265	AMD-C	96-05-005
220-47-401	AMD-P	96-09-105	220-56-32500H	REP-E	96-12 - 068	220-57-265	AMD-W	96-11-084
220-47-411	AMD-P	96 - 09-105	220-56-325001	NEW-E	96-13-041	220-57-270	AMD-C	96-05-005
220-47-427	NEW-P	96 - 09-105	220-56-32500I	REP-E	96-13-041	220-57-270	AMD-W	96-11-084
220-47-428	NEW-P	96-09-105	220-56-32500J	NEW-E	96-13-085	220-57-27000B	NEW-E	96-11-118
220-49-020001	NEW-E	96-10-002	220-56-32500J	REP-E	96-13-085	220-57-27000B	REP-E	96-11-118
220-49-020001	REP-E	96-10-002	220-56-326	NEW	96-05-004	220-57-280	AMD-C	96-05-005
220-52-03000J	NEW-E	96-11-117	220-56-330	AMD-C	96-05-005	220-57-280	AMD-W	96-11-084
220-52-03000J	REP-E	96-11-117	220-56-330	AMD	96-11-078	220-57-285	AMD-C	96-05-005
220-52-04600L	REP-E	96-02-065	220-56-350	AMD-C	96-05-005	220-57-285	AMD-W	96-11-084
220-52-04600M	NEW-E	96-03-055	220-56-350	AMD	96-11-078	220-57-29000S	NEW-E	96-08-045
220-52-04600N	NEW-E	96-06-006	220-56-35000J	REP-E	96-08-046	220-57-29000S	REP-E	96-12-067
220-52-06000A	NEW-E	96-10-046	220-56-35000K	NEW-E	96-08-046	220-57-29000T	NEW-E	96-12-067
220-52-07100Y	NEW-E	96-11-007	220-56-35000K	REP-E	96-11-008	220-57-300	AMD-C	96-05-005
220-52-07100Y	REP-E	96-12-043	220-56-35000L	NEW-E	96-11-008	220-57-300	AMD-W	96-11-084
220-52-07100Z	NEW-E	96-12-043	220-56-36000Q	NEW-E	96-07-051	220-57-310	AMD-C	96-05-005
220-52-07300C	REP-E	96-03-014	220-56-36000Q	REP-E	96-07-051	220-57-310	AMD	96-11-078
220-52-07300D	NEW-E	96-03-014	220-56-36000Q	REP-E	96-11-038	220-57-31000S	NEW-E	96-08-045
220-52-07300D	REP-E	96-03-014	220-56-36000R	NEW-E	96-11-038	220-57-31500B	NEW-E	96-08-045
220-52-07300E	NEW-E	96-04-038	220-56-36000R	REP-E	96-11-038	220-57-319	AMD-C	96-05-005
220-52-07300E	REP-E	96-04-038	220-56-372	AMD	96-05-004	220-57-319	AMD	96-11-078
220-52-07300E	NEW-E	96-05-019	220-56-380	AMD-C	96-05-005	220-57-31900K	NEW-E	96-08-045
220-52-07300F	REP-E	96-05-019	220-56-380	AMD	96-11-078	220-57-31900K	REP-E	96-13-020
220-52-07300F	REP-E	96-05-033	220-56-38000D	REP-E	96-08-046	220-57-31900L	NEW-E	96-13-020
220-52-07300F	NEW-E	96-05-033	220-56-38000E	NEW-E	96-08-046	220-57-32100A	NEW-E	96-08-045
220-52-07300G	REP-E	96-05-033	220-56-38000E	REP-E	96-11-008	220-57-340	AMD-C	96-05-005
220-52-07300H	_	96-06-005	220-56-38000F	NEW-E	96-11-008	220-57-340	AMD-W	96-11-084
220-52-07300H 220-52-07300H		96-06-005	220-56-420	AMD-W	96-11-084	220-57-345	AMD-C	96-05-005
220-52-07500A	NEW-E	96-09-048	220-57-130	AMD-C	96-05-005	220-57-345	AMD-W	96-11-084
	AMD	96-05-004	220-57-130	AMD-C	96-11-078	220-57-350	AMD-C	96-05-005
220-55-005		96-05-004	220-57-135	AMD-C	96-05-005	220-57-350	AMD	96-11-078
220-55-010	AMD	96-05-00 4 96-05-004	220-57-135	AMD-C	96-11-078	220-57-370	AMD-C	96-05-005
220-55-050	AMD		220-57-137	AMD-C	96-05-005	220-57-370	AMD	96-11-078
220-55-055	AMD	96-05-004	220-57-137	AMD-C	96-11-078	220-57-385	AMD-C	96-05-005
220-55-075	AMD	96-05-004 96-05-004	220-57-137	AMD-C	96-05-005	220-57-385	AMD	96-11-078
220-55-110	AMD	90-03-004	1 220-37-140		70-03-003	- 220 JI-303	1 111111	
				[9]				Table

WAC #	_	WSR #	WAC #		WSR #	WAC#		WSR #
220-57-410	AMD-C	96-05-005	222-16-010	AMD-E	96-13-026	223-08-155	REP-P	96-09-05
220-57-410	AMD-W	96-11-084	222-16-075	NEW-W	96-03-067	223-08-135	REP-P	96-09-05
220-57-415	AMD-C	96-05-005	222-16-080	AMD-E	96-03-009	223-08-257	AMD-P	96-09-05
220-57-415	AMD-W	96-11-084	222-16-080	AMD-C	96-04-076	230-02-035	AMD-P	96-10-05
220-57-425	AMD-C	96-05-005	222-16-080	AMD-C	96-05-090	230-02-035	AMD	96-13-06
220-57-425	AMD	96-11-078	222-16-080	AMD-S	96-09-099	230-02-137	NEW-P	96-03-07
220-57-430	AMD-C	96-05-005	222-16-080	AMD	96-12-038	230-02-137	NEW	96-07-07:
220-57-430 220-57-435	AMD-W	96-11-084	222-16-080	AMD-C	96-13-004	230-02-162	NEW-P	96-03-07
220-57-435	AMD-C AMD	96-05-005 96-11-078	222-16-080	AMD-E	96-13-026	230-02-162	NEW	96-07-075
220-57-450	AMD-C	96-05-005	222-16-085 222-16-085	NEW-C	96-04-076	230-02-278	AMD-P	96-03-077
220-57-450	AMD	96-11-078	222-16-085	NEW-C NEW-S	96-05-090	230-02-278	AMD	96-07-075
220-57-455	AMD-C	96-05-005	222-16-085	NEW-3	96-09-099 96-12-038	230-02-279 230-02-279	NEW-P	96-03-077
220-57-455	AMD	96-11-078	222-16-086	NEW-C	96-04-076	230-02-279	NEW AMD-P	96-07-075 96-03 - 080
220-57-460	AMD-C	96-05-005	222-16-086	NEW-C	96-05-090	230-02-511	AMD-P	96-03-080
220-57-460	AMD	96-11-078	222-16-086	NEW-S	96-09-099	230-02-311	AMD-P	96-03-077
220-57-465	AMD-C	96-05-005	222-16-086	NEW	96-12-038	230-04-024	AMD	96-07-075
220-57-465	AMD	96-11-078	222-16-100	NEW-C	96-04-076	230-04-040	AMD-P	96-03-077
220-57-473	AMD-C	96-05-005	222-16-100	NEW-C	96-05-090	230-04-040	AMD	96-07-075
220-57-473	AMD	96-11-078	222-16-100	NEW-S	96-09-099	230-04-064	AMD-P	96-03-077
220-57-480	AMD-C	96-05-005	222-16-100	NEW	96-12-038	230-04-064	AMD	96-07-075
220-57-480	AMD-W	96-11-084	222-21-010	NEW-W	96-03-067	230-04-120	AMD-P	96-05-042
220-57-495 220-57-495	AMD-C	96-05-005	222-21-020	NEW-W	96-03-067	230-04-120	AMD	96-09-071
220-57-495 220-57-50500Y	AMD NEW-E	96-11-078 96-08-045	222-21-030	NEW-W	96-03-067	230-04-120	AMD	96-11-126
220-57-505001 220-57-51500L	NEW-E	96-08-045 96-08-045	222-21-040	NEW-W	96-03-067	230-04-187	AMD-P	96-05-042
220-57-520 220-57-520	AMD-C	96-05-005	222-24-030 222-24-030	AMD-E	96-03-009	230-04-187	AMD	96-09-071
220-57-520	AMD-W	96-11-084	222-24-030	AMD-C AMD-C	96-04-076	230-04-204	AMD-P	96-05-043
220-57-525	AMD-C	96-05-005	222-24-030	AMD-S	96-05-090 96-09-099	230-04-204	AMD	96-09-070
220-57-525	AMD-W	96-11-084	222-24-030	AMD-S	96-12-038	230-08-080 230-08-080	AMD-W AMD-P	96-03-068
220-57A-001	AMD	96-05-004	222-24-030	AMD-E	96-13-026	230-08-080	AMD-P AMD	96-07-072 96-13-067
220-57A-035	AMD	96-05-004	222-30-050	AMD-E	96-03-009	230-08-090	AMD-P	96-13-067
220-57A-175	AMD-C	96-05-005	222-30-050	AMD-C	96-04-076	230-08-095	AMD-P	96-03-077
220-57A-175	AMD-W	96-11-084	222-30-050	AMD-C	96-05-090	230-08-095	AMD	96-07-075
220-57A-180	AMD-C	96-05-005	222-30-050	AMD-S	96-09-099	230-08-105	AMD-P	96-07-072
220-57A-180	AMD-W	96-11-084	222-30-050	AMD	96-12-038	230-08-105	AMD	96-13-067
220-69-24000C	NEW-E	96-09-048	222-30-050	AMD-E	96-13-026	230-08-122	AMD-P	96-03-077
220-69-24000D 220-88A-07000C	NEW-E	96-11-007	222-30-060	AMD-E	96-03-009	230-08-122	AMD	96-07-075
220-88A-07000C	NEW-E	96-09-048 96-11-054	222-30-060	AMD-C	96-04-076	230-08-255	AMD-P	96-03-077
220-88A-07000D	NEW-E	96-11-034 96-11-037	222-30-060 222-30-060	AMD-C	96-05-090	230-08-255	AMD	96-07-075
220-88A-07000D	REP-E	96-11-054	222-30-060	AMD-S	96-09-099	230-12-005	NEW-P	96-13-072
220-88A-07000E		96-11-054	222-30-060	AMD AMD-E	96-12-038 96-13-026	230-12-020	AMD-P	96-04-085
	REP-E	96-11-095	222-30-065	NEW-E	96-03-009	230-12-020 230-12-020	AMD-S	96-05-041
220-88A-07000F	NEW-E	96-11-095	222-30-065	NEW-C	96-04-076	230-12-020	AMD NEW-P	96-09-073 96-03-077
20-88A-07000F	REP-E	96-12-003	222-30-065	NEW-C	96-05-090	230-12-076	NEW-F	96-03-077
220-88A-07000G	NEW-E	96-12-003	222-30-065	NEW-S	96-09-099	230-20-050	AMD-P	96-03-079
20-88A-08000B	NEW-E	96-09-048	222-30-065	NEW	96-12-038	230-20-050	AMD	96-07-078
20-88A-08000B	REP-E	96-12-003	222-30-065	NEW-E	96-13-026	230-20-052	NEW-P	96-03-079
20-88A-08000C		96-12-003	222-30-070	AMD-E	96-03-009	230-20-052	NEW	96-07-078
20-88A-08000C 20-88A-08000D	REP-E NEW-E	96-12-022 96-12-022	222-30-070	AMD-C	96-04-076	230-20-055	AMD-P	96-03-080
20-95	AMD-C	96-08-015	222-30-070 222-30-070	AMD-C	96-05-090	230-20-055	AMD	96-07-076
20-95	AMD-C	96-13-034	222-30-070	AMD-S	96-09-099	230-20-064	AMD-P	96-03-077
20-95-013	AMD-P	96-04-069	222-30-070	AMD AMD-E	96-12-038	230-20-064	AMD	96-05-011
20-95-018	AMD-P	96-04-069	222-30-075	NEW-E	96-13-026 96-03-009	230-20-064	AMD	96-07-075
20-95-022	AMD-P	96-04-069	222-30-075	NEW-W	96-03-067	230-20-064 230-20-101	PREP	96-11-125
20-95-032	AMD-P	96-04-069	222-30-075	NEW-E	96-13-026	230-20-101	AMD-P AMD	96-07-072 96-13-067
22-10-030	NEW-W	96-03-067	222-30-100	AMD-E	96-03-009	230-20-101	AMD-P	96-03-079
22-10-040	NEW-C	96-04-076	222-30-100	AMD-C	96-04-076	230-20-103	AMD	96-03-079
22-10-040	NEW-C	96-05-090	222-30-100	AMD-C	96-05-090	230-20-104	NEW-P	96-07-072
22-10-040	NEW-S	96-09-099	222-30-100	AMD-S	96-09-099	230-20-104	NEW	96-13-067
22-10-040	NEW	96-12-038	222-30-100	AMD	96-12-038	230-20-105	NEW-P	96-07-072
22-10-041 22-10-041	NEW-C	96-04-076	222-30-100	AMD-E	96-13-026	230-20-105	NEW	96-13-067
22-10-041 22-10-041	NEW-C	96-05-090	222-38-020	AMD-E	96-03-009	230-20-106	NEW-P	96-07-072
22-10-041 22-10-041	NEW-S	96-09-099	222-38-020	AMD-W	96-03-067	230-20-106	NEW	96-13-067
22-10-041 22-16-010	NEW AMD-E	96-12-038	222-38-020	AMD-E	96-13-026	230-20-107	NEW-P	96-07-072
22-16-010 22-16-010	AMD-E AMD-C	96-03-009 96-04-076	222-38-030	AMD-E	96-03-009	230-20-107	NEW	96-13-067
22-16-010 22-16-010	AMD-C	96-04-076 96-05-090	222-38-030	AMD-W	96-03-067	230-20-108	NEW-P	96-07-072
22-16-010 22-16-010	AMD-C	96-09-099	222-38-030 223-08-080	AMD-E	96-13-026	230-20-108	NEW	96-13-067
22-16-010	AMD-3	96-12-038	223-08-085	AMD-P AMD-P	96-09-057	230-20-115	NEW-P	96-03-079
22-16-010	AMD-C	96-13-004	223-08-083	REP-P	96-13-106 96-09-057	230-20-115 230-20-230	NEW AMD-P	96-07-078 96-03-079
10 010								

WAC #		WSR #	WAC #		WSR #	WAC#		WSR #
	414D	96-07-078	232-28-02203	AMD	96-04-027	236-12-351	AMD-P	96-10-019
230-20-230	AMD AMD-P	96-07-078 96-07-072	232-28-02203	AMD	96-04-027	236-12-351	AMD	96-13-00
230-20-240 230-20-240	AMD-P	96-13-067	232-28-02205	AMD	96-04-027	236-12-360	AMD-E	96-09-00
230-20-240	AMD-P	96-07-072	232-28-02210	AMD	96-04-027	236-12-360	AMD-P	96-10-019
230-20-241	AMD	96-13-067	232-28-02220	AMD	96-04-027	236-12-360	AMD	96-13-00
230-20-241	AMD-P	96-07-072	232-28-02240	AMD	96-04-027	236-12-361	AMD-E	96-09-00
230-20-242	AMD	96-13-067	232-28-02250	AMD	96-04-027	236-12-361	AMD-P	96-10-01
230-20-246	AMD-P	96-07-072	232-28-02270	AMD	96-04-027	236-12-361	AMD	96-13-00
230-20-246	AMD	96-13-067	232-28-02280	AMD	96-04-027	236-12-362	REP-E	96-09-00
230-20-247	NEW-P	96-11-074	232-28-02290	AMD	96-04-027	236-12-362	REP-P	96-10-019
230-20-325	AMD-P	96-03-076	232-28-206	REP	96-04-027	236-12-362	REP	96-13-00 96-09-00
230-20-325	AMD	96-07-077	232-28-209	REP	96-04-027 96-04-027	236-12-370 236-12-370	AMD-E AMD-P	96-10-01
230-20-335	AMD-P	96-03-076	232-28-21201 232-28-215	REP REP	96-04-027 96-04-027	236-12-370	AMD-F	96-13-00
230-20-335	AMD	96-07-077	232-28-215	REP	96-04-027	236-12-371	AMD-E	96-09-00
230-20-510	NEW-P NEW	96-03-080 96-07-076	232-28-216	REP	96-04-027	236-12-371	AMD-P	96-10-01
230-20-510	AMD-P	96-03-076	232-28-240	AMD	96-04-027	236-12-371	AMD	96-13-00
230-25-040 230-25-040	AMD-F AMD	96-07-077	232-28-240	AMD-P	96-12-093	245-02-040	PREP	96-04-05
230-25-220	AMD-P	96-03-076	232-28-241	AMD	96-04-027	245-02-040	AMD-P	96-08-09
230-25-220	AMD	96-07-077	232-28-241	AMD-P	96-06-068	245-02-040	AMD	96-11-13
230-25-330	AMD-P	96-05-042	232-28-241	AMD	96-12-044	246-10	PREP	96-06-04
230-25-330	AMD	96-09-071	232-28-242	AMD	96-04-027	246-11	PREP	96-06-04
230-30-097	AMD-P	96-10-049	232-28-246	AMD	96-04-027	246-50-001	AMD-P	96-04-08
230-30-097	AMD	96-13-069	232-28-248	AMD	96-04-027	246-50-001	AMD	96-09-04
230-40-010	AMD-P	96-07-073	232-28-249	AMD	96-04-027	246-50-010	AMD-P	96-04-08
230-40-010	AMD	96-11-073	232-28-250	AMD-P	96-06-069	246-50-010 246-100-042	AMD AMD-P	96-09-04 96-04-07
230-40-030	AMD-P	96-03-081	232-28-250	AMD	96-12-047 96-06-070	246-100-042	AMD-F	96-11-07
230-40-055	AMD-P	96-03-080	232-28-251	AMD-P AMD	96-12-048	246-100-166	AMD	96-04-07
230-40-999	NEW-P	96-13-070 96-13-071	232-28-251 232-28-252	AMD-P	96-06-071	246-100-218	NEW-P	96-04-07
230-40-999	NEW-E AMD-P	96-07-073	232-28-252	AMD	96-12-049	246-100-218	NEW	96-08-02
230-46-100 230-46-100	AMD-P	96-11-073	232-28-253	AMD-P	96-06-072	246-249-080	PREP	96-11-12
230-50-560	AMD-P	96-03-078	232-28-253	AMD	96-12-050	246-254-053	AMD-P	96-07-10
230-50-560	AMD	96-09-072	232-28-254	AMD-P	96-06-073	246-254-053	AMD	96-11-04
230-50-562	NEW-P	96-03-078	232-28-254	AMD	96-12-051	246-254-070	AMD-P	96-07-10
230-50-562	NEW	96-09-072	232-28-256	AMD-P	96-06-074	246-254-070	AMD	96-11-04
230-50-800	AMD-P	96-10-050	232-28-256	AMD	96-12-052	246-254-080	AMD-P	96-07-10
230-50-800	AMD	96-13-068	232-28-257	AMD	96-04-027	246-254-080	AMD	96-11-04
232-12-001	AMD-C	96-05-044	232-28-260	NEW	96-04-027	246-254-090	AMD-P	96-07-10
232-12-001	AMD	96-11-079	232-28-261	NEW-P	96-06-075	246-254-090	AMD	96-11-04 96-07-10
232-12-01701	NEW-P	96-06-063	232-28-261	NEW	96-12-053 96-06-076	246-254-100 246-254-100	AMD-P AMD	96-11-04
232-12-025	AMD-P	96-06-062	232-28-262 232-28-262	NEW-P NEW	96-12-054	246-282-990	AMD-P	96-12-07
232-12-025	AMD-W	96-09-003 96-06-062	232-28-202	REP	96-04-027	246-310	PREP	96-05-05
232-12-026	NEW-P NEW-W	96-09-003	232-28-407	REP	96-04-027	246-316-990	AMD-P	96-09-08
232-12-026 232-12-131	AMD	96-04-027	232-28-419	REP-P	96-06-077	246-316-990	AMD	96-12-02
232-12-131	AMD-C	96-05-044	232-28-419	REP	96-12-055	246-318	PREP	96-07-01
232-12-144	AMD-W	96-11-083	232-28-60101	REP	96-04-027	246-327-990	AMD-P	96-09-08
232-12-147	AMD-C	96-05-044	232-28-60102	REP	96-04-027	246-327-990	AMD	96-12-02
232-12-147	AMD-W	96-11-083	232-28-604	REP	96-04-027	246-328-100	NEW-P	96-11-13
232-12-168	AMD-C	96-05-044	232-28-60415	REP	96-04-027	246-328-150	NEW-P	96-11-13
232-12-168	AMD	96-11-079	232-28-605	REP	96-04-027	246-328-200	NEW-P	96-11-13
232-12-168	AMD-P	96-06-063	232-28-60508	REP	96-04-027	246-328-990	NEW-P	96-11-13
232-12-16800A	NEW-E	96-10-070	232-28-61610	REP	96-04-027	246-331-990	AMD-P	96-09-08
232-12-16800A	REP-E	96-10-070	232-28-619	AMD-C	96-05-044	246-331-990	AMD	96-12-02 96-09-08
232-12-275	AMD-P	96-06-064	232-28-619	AMD	96-11-079	246-336-990 246-336-990	AMD-P AMD	96-12-02
232-12-275	AMD	96-12-045	232-28-61900K	NEW-E REP-E	96-03-053 96-03-053	246-338-990	AMD-P	96-09-04
232-12-619	AMD-C	96-05-044 96-11-079	232-28-61900K 232-28-61900L	NEW-E	96-03-054	246-338-990	AMD	96-12-01
232-12-619	AMD NEW-E	96-11-079	232-28-61900L	REP-E	96-03-054	246-430-030	AMD-P	96-04-08
232-12-61900B 232-12-61900B	REP-E	96-10-070	232-28-61900M	NEW-E	96-04-043	246-430-030	AMD	96-13-02
232-12-81700B 232-12-827	REP-L	96-04-027	232-28-61900M	REP-E	96-04-043	246-800	PREP-W	96-09-01
232-12-827	NEW	96-03-084	232-28-61900P	NEW-E	96-06-007	246-806-010	REP-P	96-10-00
232-12-829	REP-E	96-03-083	232-28-61900P	REP-E	96-06-007	246-806-020	REP-P	96-10-00
232-12-829	REP	96-03-084	232-28-61900P	REP-E	96-13-019	246-806-030	REP-P	96-10-00
232-12-829	REP-P	96-06-065	232-28-61900Q	NEW-E	96-10-070	246-806-040	REP-P	96-10-00
232-12-829	REP	96-12-056	232-28-61900Q	REP-E	96-10-070	246-806-060	REP-P	96-10-00
232-12-831	REP	96-04-027	232-28-61900R	NEW-E	96-13-019	246-806-070	REP-P	96-10-00
232-16-080	AMD-P	96-06-066	232-28-812	REP	96-04-027	246-806-075	REP-P	96-10-00
232-16-080	AMD	96-12-046	236-12-015	AMD-E	96-09-006	246-806-080	REP-P	96-10-00
232-16-410	REP-P	96-06-067	236-12-015	AMD-P	96-10-019	246-806-085	REP-P	96-10-00
232-16-410	REP	96-12-057	236-12-015	AMD AMD-E	96-13-001	246-806-090	REP-P	96-10-00
232-24-120	REP	96-04-027	236-12-351		96-09-006	l 246-806-100	REP-P	96-10-00

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246-806-110	REP-P	96-10-006	246-808-101	NEW-P	96-10-006	246 040 010		06.04.060
246-806-120	REP-P	96-10-006	246-808-105	NEW-P	96-10-006	246-840-910 246-840-920	NEW	96-05-060
246-806-130	REP-P	96-10-006	246-808-106	NEW-P	96-10-006	246-840-930	NEW	96-05-060
246-806-140	REP-P	96-10-006	246-808-115	NEW-P	96-10-006	246-840-940	NEW NEW	96-05-060 96-05-060
246-806-160	REP-P	96-10-006	246-808-120	NEW-P	96-10-006	246-840-950	NEW	96-05-060
246-806-170	REP-P	96-10-006	246-808-130	NEW-P	96-10-006	246-840-960	NEW	96-05-060
246-806-180	REP-P	96-10-006	246-808-135	NEW-P	96-10-006	246-840-970	NEW	96-05-060
246-806-190	REP-P	96-10-006	246-808-140	NEW-P	96-10-006	246-840-980	NEW	96-05-060
246-806-990	REP-P	96-10-006	246-808-150	NEW-P	96-10-006	246-841-405	NEW	96-06-029
246-807-020	REP-P	96-10-006	246-808-155	NEW-P	96-10-006	246-841-990	AMD	96-03-051
246-807-030	REP-P	96-10-006	246-808-160	NEW-P	96-10-006	246-851-080	PREP	96-11-049
246-807-040	REP-P	96-10-006	246-808-165	NEW-P	96-10-006	246-851-480	PREP	96-11-049
246-807-050	REP-P	96-10-006	246-808-170	NEW-P	96-10-006	246-851-490	PREP	96-11-049
246-807-060 246-807-070	REP-P	96-10-006	246-808-180	NEW-P	96-10-006	246-851-500	PREP	96-11-049
246-807-070	REP-P REP-P	96-10-006	246-808-185	NEW-P	96-10-006	246-861-040	AMD-P	96-04-080
246-807-090	REP-P	96-10-006 96-10-006	246-808-190	NEW-P	96-10-006	246-861-040	AMD	96-11-042
246-807-100	REP-P	96-10-006	246-808-201	NEW-P	96-10-006	246-869-240	REP	96-03-016
246-807-110	REP-P	96-10-006	246-808-215 246-808-301	NEW-P	96-10-006	246-883-020	PREP	96-03-012
246-807-115	REP-P	96-10-006	246-808-301	NEW-P NEW-P	96-10-006 96-10-006	246-883-020	AMD-P	96-11-041
246-807-120	REP-P	96-10-006	246-808-320	NEW-P		246-885-030	NEW-P	96-03-134
246-807-125	REP-P	96-10-006	246-808-340	NEW-P	96-10-006 96-10-006	246-885-030	NEW	96-07-012
246-807-130	REP-P	96-10-006	246-808-350	NEW-P	96-10-006	246-887-170 246-904	PREP	96-10-038
246-807-135	REP-P	96-10-006	246-808-360	NEW-P	96-10-006	246-904-010	PREP	96-11-130
246-807-140	REP-P	96-10-006	246-808-370	NEW-P	96-10-006	246-904-020	NEW-E NEW-E	96-11-103
246-807-150	REP-P	96-10-006	246-808-380	NEW-P	96-10-006	246-904-030	NEW-E	96-11-103 96-11-103
246-807-160	REP-P	96-10-006	246-808-390	NEW-P	96-10-006	246-904-040	NEW-E	96-11-103
246-807-171	REP-P	96-10-006	246-808-400	NEW-P	96-10-006	246-904-050	NEW-E	96-11-103
246-807-173	REP-P	96-10-006	246-808-410	NEW-P	96-10-006	246-904-060	NEW-E	96-11-103
246-807-180	REP-P	96-10-006	246-808-505	NEW-P	96-10-006	246-904-070	NEW-E	96-11-103
246-807-190	REP-P	96-10-006	246-808-510	NEW-P	96-10-006	246-904-080	NEW-E	96-11-103
246-807-200	REP-P	96-10-006	246-808-520	NEW-P	96-10-006	246-904-090	NEW-E	96-11-103
246-807-210	REP-P	96-10-006	246-808-525	NEW-P	96-10-006	246-904-100	NEW-E	96-11-103
246-807-220	REP-P	96-10-006	246-808-530	NEW-P	96-10-006	246-915-030	AMD-E	96-03-050
246-807-230 246-807-240	REP-P REP-P	96-10-006	246-808-535	NEW-P	96-10-006	246-915-030	AMD-P	96-08-068
246-807-250	REP-P	96-10-006	246-808-540	NEW-P	96-10-006	246-915-030	AMD	96-13-008
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246-807-270	REP-P	96-10-006	246-808-550 246-808-560	NEW-P	96-10-006	246-917-025	REP	96-03-073
246-807-280	REP-P	96-10-006	246-808-565	NEW-P NEW-P	96-10-006 96-10-006	246-917-026	REP	96-03-073
246-807-290	REP-P	96-10-006	246-808-570	NEW-P	96-10-006	246-917-030 246-917-040	REP	96-03-073
246-807-300	REP-P	96-10-006	246-808-575	NEW-P	96-10-006	246-917-040	REP REP	96-03-073
246-807-310	REP-P	96-10-006	246-808-580	NEW-P	96-10-006	246-917-060	REP	96-03-073
246-807-311	REP-P	96-10-006	246-808-585	NEW-P	96-10-006	246-917-070	REP	96-03-073 96-03-073
246-807-320	REP-P	96-10-006	246-808-590	NEW-P	96-10-006	246-917-080	REP	96-03-073
246-807-330	REP-P	96-10-006	246-808-600	NEW-P	96-10-006	246-917-090	REP	96-03-073
246-807-340	REP-P	96-10-006	246-808-605	NEW-P	96-10-006	246-917-100	REP	96-03-073
246-807-350	REP-P	96-10-006	246-808-610	NEW-P	96-10-006	246-917-110	REP	96-03-073
246-807-360	REP-P	96-10-006	246-808-615	NEW-P	96-10-006	246-917-120	REP	96-03-073
246-807-370	REP-P	96-10-006	246-808-620	NEW-P	96-10-006	246-917-121	REP	96-03-073
246-807-380 246-807-390	REP-P REP-P	96-10-006	246-808-625	NEW-P	96-10-006	246-917-125	REP	96-03-073
246-807-390 246-807-395	REP-P REP-P	96-10-006 96-10-006	246-808-630	NEW-P	96-10-006	246-917-126	REP	96-03-073
246-807-396	REP-P	96-10-006	246-808-640	NEW-P	96-10-006	246-917-130	REP	96-03-073
246-807-400	REP-P	96-10-006	246-808-650 246-808-655	NEW-P	96-10-006	246-917-135	REP	96-03-073
246-807-410	REP-P	96-10-006	246-808-660	NEW-P NEW-P	96-10-006	246-917-140	REP	96-03-073
246-807-420	REP-P	96-10-006	246-808-670	NEW-P	96-10-006	246-917-150	REP	96-03-073
246-807-430	REP-P	96-10-006	246-808-680	NEW-P	96-10-006 96-10-006	246-917-160	REP	96-03-073
246-807-440	REP-P	96-10-006	246-808-685	NEW-P	96-10-006	246-917-170	REP	96-03-073
246-807-450	REP-P	96-10-006	246-808-690	NEW-P	96-10-006	246-917-180 246-917-190	REP	96-03-073
246-807-460	REP-P	96-10-006	246-808-695	NEW-P	96-10-006	246-917-190	REP	96-03-073
246-807-470	REP-P	96-10-006	246-808-700	NEW-P	96-10-006	246-917-210	REP REP	96-03-073
246-807-480	REP-P	96-10-006	246-808-710	NEW-P	96-10-006	246-917-210	REP	96-03-073
246-807-500	REP-P	96-10-006	246-808-720	NEW-P	96-10-006	246-917-300	REP	96-03-073 96-03-073
246-807-510	REP-P	96-10-006	246-808-801	NEW-P	96-10-006	246-917-990	REP	96-03-073 96-03-073
246-807-520	REP-P	96-10-006	246-808-810	NEW-P	96-10-006	246-918	AMD	96-03-073 96-03-073
246-807-530	REP-P	96-10-006	246-808-820	NEW-P	96-10-006	246-918-005	AMD	96-03-073
246-808-001	NEW-P	96-10-006	246-808-830	NEW-P	96-10-006	246-918-006	AMD	96-03-073
246-808-010	NEW-P	96-10-006	246-808-990	NEW-P	96-10-006	246-918-007	AMD	96-03-073
246-808-015	NEW-P	96-10-006	246-810-990	AMD	96-08-069	246-918-008	AMD	96-03-073
246-808-020	NEW-P	96-10-006	246-838-010	PREP-W	96-06-028	246-918-009	AMD	96-03-073
246-808-030 246-808-040	NEW-P	96-10-006	246-838-130	PREP-W	96-06-028	246-918-030	AMD	96-03-073
	NEW-P	96-10-006	1 246-839-120	PREP-W	96-06-028	246-918-035	AMD	96-03-073
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Table [12]

	WAC#		WSR #	WAC#		WSR #	WAC#		WSR #
	WAC#		WSK #			W3K#			
)	246-918-050	AMD	96-03-073	246-920-150	REP	96-03-073	246-924-990	AMD	96-08-006
	246-918-070	AMD	96-03-073	246-920-160	REP	96-03-073	246-976-010	AMD	96-03-052
	246-918-080	AMD	96-03-073	246-920-170	REP	96-03-073	246-976-045	NEW	96-03-052
	246-918-085	AMD	96-03-073	246-920-180	REP	96-03-073	246-976-076	PREP	96-06-049
	246-918-090 246-918-095	AMD AMD	96-03-073 96-03-073	246-920-190 246-920-200	REP REP	96-03-073 96-03-073	246-976-077 246-976-140	PREP PREP	96-06-049 96-06-049
	246-918-110	AMD	96-03-073	246-920-210	REP	96-03-073	246-976-165	NEW	96-03-052
	246-918-110	AMD	96-03-073	246-920-220	REP	96-03-073	246-976-181	PREP	96-06-049
	246-918-130	AMD	96-03-073	246-920-230	REP	96-03-073	250-20-021	AMD	96-04-019
	246-918-140	AMD	96-03-073	246-920-240	REP	96-03-073	250-20-021	PREP	96-07-096
	246-918-170	AMD	96-03-073	246-920-250	REP	96-03-073	250-20-021	AMD-P	96-11-101
	246-918-180	AMD	96-03-073	246-920-260	REP	96-03-073	250-65	PREP	96-07-095
	246-918-250	AMD	96-03-073	246-920-270	REP	96-03-073	250-65-020	AMD-P	96-11-090
	246-918-260	AMD	96-03-073	246-920-280	REP	96-03-073	250-65-060	AMD-P	96-11-090
	246-918-310 246-918-990	AMD AMD	96-03-073 96-03-073	246-920-290 246-920-300	REP REP	96-03-073 96-03-073	251-04-050 251-04-050	AMD-P AMD	96-08-088 96-11-063
	246-919-010	NEW	96-03-073	246-920-310	REP	96-03-073	251-06-020	AMD-P	96-08-088
	246-919-020	NEW	96-03-073	246-920-320	REP	96-03-073	251-06-020	AMD	96-11-063
	246-919-030	NEW	96-03-073	246-920-330	REP	96-03-073	251-10-030	AMD-P	96-10-065
	246-919-100	NEW	96-03-073	246-920-340	REP	96-03-073	251-10-030	AMD	96-13-078
	246-919-110	NEW	96-03-073	246-920-350	REP	96-03-073	251-12-099	AMD-P	96-04-053
	246-919-120	NEW	96-03-073	246-920-360	REP	96-03-073	251-12-099	AMD-C	96-07-091
	246-919-130	NEW	96-03-073	246-920-370	REP	96-03-073	251-12-099	AMD	96-09-055
	246-919-140	NEW NEW	96-03-073 96-03-073	246-920-380 246-920-390	REP REP	96-03-073	251-12-100	AMD-P	96-04-053
	246-919-150 246-919-200	NEW NEW	96-03-073 96-03-073	246-920-390	REP	96-03-073 96-03-073	251-12-100 251-12-100	AMD-C AMD	96-07-091 96-09-055
	246-919-210	NEW	96-03-073	246-920-410	REP	96-03-073	251-12-100	REP-P	96-04-053
	246-919-220	NEW	96-03-073	246-920-420	REP	96-03-073	251-12-101	REP-C	96-07-091
	246-919-230	NEW	96-03-073	246-920-430	REP	96-03-073	251-12-101	REP	96-09-055
	246-919-240	NEW	96-03-073	246-920-440	REP	96-03-073	251-12-102	AMD-P	96-04-053
	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073	251-12-102	AMD-C	96-07-091
	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073	251-12-102	AMD	96-09-055
	246-919-310	NEW NEW	96-03-073 96-03-073	246-920-470 246-920-480	REP REP	96-03-073 96-03-073	251-12-104	NEW-P	96-04-053
	246-919-320 246-919-330	NEW .	96-03-073	246-920-480	REP	96-03-073 96-03-073	251-12-104 251-12-104	NEW-C NEW	96-07-091 96-09-055
	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073	251-12-105	NEW-P	96-04-053
	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073	251-12-105	NEW-C	96-07-091
	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073	251-12-105	NEW	96-09-055
	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073	251-12-106	NEW-P	96-04-053
	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073	251-12-106	NEW-C	96-07-091
	246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073	251-12-106	NEW	96-09-055
	246-919-380 246-919-390	NEW NEW	96-03-073 96-03-073	246-920-560 246-920-570	REP REP	96-03-073 96-03-073	251-12-180 251-12-180	AMD-P AMD-C	96-04-053
	246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073	251-12-180	AMD-C	96-07-091 96-09-055
	246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073	251-12-232	AMD-P	96-04-053
	246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073	251-12-232	AMD-C	96-07-091
	246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073	251-12-232	AMD	96-09-055
	246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073	251-14-110	AMD-P	96-04-053
	246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073	251-14-110	AMD-C	96-07-091
	246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073	251-14-110	AMD	96-09-055
	246-919-460 246-919-470	NEW NEW	96-03-073 96-03-073	246-920-650 246-920-660	REP REP	96-03-073 96-03-073	251-14-130	NEW-P NEW-C	96-04-053 96-07-091
	246-919-470	NEW	96-03-073 96-03-073	246-920-670	REP REP	96-03-073 96-03-073	251-14-130 251-14-130	NEW-C NEW	96-07-091 96-09-055
	246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073	251-14-130	AMD	96-02-072
	246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073	251-17-150	AMD-P	96-08-086
	246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073	251-17-150	AMD	96-11-061
	246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073	251-17-170	AMD	96-02-072
	246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073	251-19-105	REP-W	96-02-069
	246-919-700	NEW	96-03-073	246-920-740	REP	96-03-073	251-19-105	AMD-P	96-02-071
	246-919-710	NEW NEW	96-03-073 96-03-073	246-920-750	REP	96-03-073	251-19-105	AMD	96-05-026
	246-919-720 246-919-730	NEW	96-03-073	246-920-760 246-920-770	REP REP	96-03-073 96-03-073	251-22-116 251-22-116	AMD-P AMD-C	96-08-081 96-09-089
	246-919-740	NEW	96-03-073	246-920-780	REP	96-03-073	251-22-116	AMD-C	96-13-077
	246-919-750	NEW	96-03-073	246-920-890	REP	96-03-073	251-22-110	AMD-P	96-08-081
	246-919-760	NEW	96-03-073	246-924-080	AMD-P	96-02-086	251-22-167	AMD-C	96-09-089
	246-919-770	NEW	96-03-073	246-924-080	AMD	96-08-007	251-22-167	AMD	96-13-077
	246-919-990	NEW	96-03-073	246-924-250	AMD-P	96-02-086	251-22-195	AMD-P	96-08-081
	246-920-020	REP	96-03-073	246-924-250	AMD	96-08-007	251-22-195	AMD-C	96-09-089
)	246-920-030	REP	96-03-073	246-924-470	AMD-P	96-02-086	251-22-195	AMD	96-13-077
	246-920-040 246-920-120	REP REP	96-03-073 96-03-073	246-924-470 246-924-500	AMD NEW-P	96-08-007	251-22-197	REP-P	96-08-081
	246-920-120	REP	96-03-073 96-03-073	246-924-500	NEW-P NEW	96-02-086 96-08-007	251-22-197 251-22-197	REP-C REP	96-09-089 96-13-077
	246-920-140	REP	96-03-073	246-924-990	AMD-P	96-02-085	251-22-197	AMD-P	96-13-077
	-							11112-1	
					[13]				Table

		WSR #	WAC #		WSR #	WAC #		WSR #
251-22-200	AMD-C	96-09-089	260-24-590	NEW-P	96-09-097	260-48-300	REP	96-10-014
251-22-200	AMD	96-13-077	260-24-600	NEW-P	96-09-097	260-48-305	REP-P	96-04-066
251-22-250	AMD-P	96-08-084	260-24-610	NEW-P	96-09-097	260-48-305	REP	96-10-014
251-22-250	AMD	96-11-059	260-24-620	NEW-P	96-09-097	260-48-310	REP-P	96-04-066
251-22-270	AMD-W	96-02-069	260-24-630	NEW-P	96-09-097	260-48-310	REP	96-10-014
251-22-270	AMD-P	96-08-084	260-24-640	NEW-P	96-09-097	260-48-320	REP-P	96-04-066
251-22-270	AMD	96-11-059	260-24-650	NEW-P	96-09-097	260-48-320	REP	96-10-014
251-22-280 251-22-280	AMD-P AMD	96-08-084 96-11-059	260-24-660 260-24-670	NEW-P	96-09-097	260-48-322	REP-P	96-04-066
251-22-290	AMD-P	96-08-084	260-24-680	NEW-P NEW-P	96-09-097 96-09-097	260-48-322 260-48-324	REP REP-P	96-10-014 96-04-066
251-22-290	AMD	96-11-059	260-24-690	NEW-P	96-09-097	260-48-324	REP	96-10-014
260-12	PREP	96-03-142	260-34	PREP	96-03-144	260-48-326	REP-P	96-04-066
260-12	PREP	96-12-084	260-48-010	REP-P	96-04-066	260-48-326	REP	96-10-014
260-20	PREP	96-03-143	260-48-010	REP	96-10-014	260-48-327	REP-P	96-04-066
260-24	PREP	96-06-086	260-48-020	REP-P	96-04-066	260-48-327	REP	96-10-014
260-24-010	REP-P	96-09-097	260-48-020	REP	96-10-014	260-48-328	REP-P	96-04-066
260-24-020	REP-P	96-09-097	260-48-030	REP-P	96-04-066	260-48-328	REP	96-10-014
260-24-030 260-24-040	REP-P REP-P	96-09-097 96-09-097	260-48-030 260-48-035	REP REP-P	96-10-014	260-48-330	REP-P	96-04-066
260-24-050	REP-P	96-09-097 96-09-097	260-48-035	REP-P REP	96-04-066 96-10-014	260-48-330 260-48-331	REP REP-P	96-10-014 96-04-066
260-24-060	REP-P	96-09-097	260-48-040	REP-P	96-04-066	260-48-331	REP	96-10-014
260-24-070	REP-P	96-09-097	260-48-040	REP	96-10-014	260-48-340	REP-P	96-04-066
260-24-080	REP-P	96-09-097	260-48-050	REP-P	96-04-066	260-48-340	REP	96-10-014
260-24-090	REP-P	96-09-097	260-48-050	REP	96-10-014	260-48-350	REP-P	96-04-066
260-24-100	REP-P	96-09-097	260-48-060	REP-P	96-04-066	260-48-350	REP	96-10-014
260-24-110	REP-P	96-09-097	260-48-060	REP	96-10-014	260-48-500	NEW-P	96-04-066
260-24-120 260-24-130	REP-P REP-P	96-09-097 96-09-097	260-48-070	REP-P	96-04-066	260-48-500	NEW	96-10-014
260-24-130	REP-P	96-09-097	260-48-070 260-48-080	REP REP-P	96-10-014 96-04-066	260-48-510	NEW-P	96-04-066
260-24-140	REP-P	96-09-097	260-48-080	REP-P	96-10-014	260-48-510 260-48-520	NEW NEW-P	96-10-014 96-04-066
260-24-160	REP-P	96-09-097	260-48-090	REP-P	96-04-066	260-48-520	NEW	96-10-014
260-24-170	REP-P	96-09-097	260-48-090	REP	96-10-014	260-48-530	NEW-P	96-04-066
260-24-180	REP-P	96-09-097	260-48-100	REP-P	96-04-066	260-48-530	NEW	96-10-014
260-24-190	REP-P	96-09-097	260-48-100	REP	96-10-014	260-48-540	NEW-P	96-04-066
260-24-200	REP-P	96-09-097	260-48-110	REP-P	96-04-066	260-48-540	NEW	96-10-014
260-24-210	REP-P	96-09-097	260-48-110	REP	96-10-014	260-48-550	NEW-P	96-04-066
260-24-220 260-24-230	REP-P REP-P	96-09-097 96-09-097	260-48-120 260-48-120	REP-P REP	96-04-066 96-10-014	260-48-550	NEW NEW-P	96-10-014
260-24-240	REP-P	96-09-097	260-48-130	REP-P	96-04-066	260-48-560 260-48-560	NEW-P NEW	96-04-066 96-10-014
260-24-250	REP-P	96-09-097	260-48-130	REP	96-10-014	260-48-570	NEW-P	96-04-066
260-24-260	REP-P	96-09-097	260-48-140	REP-P	96-04-066	260-48-570	NEW	96-10-014
260-24-270	REP-P	96-09-097	260-48-140	REP	96-10-014	260-48-580	NEW-P	96-04-066
260-24-280	REP-P	96-09-097	260-48-150	REP-P	96-04-066	260-48-580	NEW	96-10-014
260-24-290	REP-P	96-09-097	260-48-150	REP	96-10-014	260-48-590	NEW-P	96-04-066
260-24-300 260-24-310	REP-P REP-P	96-09-097 96-09-097	260-48-160 260-48-160	REP-P REP	96-04-066	260-48-590	NEW	96-10-014
260-24-310	REP-P	96-09-097	260-48-170	REP-P	96-10-014 96-04-066	260-48-600 260-48-600	NEW-P NEW	96-04-066 96-10-014
260-24-330	REP-P	96-09-097	260-48-170	REP	96-10-014	260-48-610	NEW-P	96-04-066
260-24-340	REP-P	96-09-097	260-48-180	REP-P	96-04-066	260-48-610	NEW	96-10-014
260-24-350	REP-P	96-09-097	260-48-180	REP	96-10-014	260-48-620	NEW-P	96-04-066
260-24-360	REP-P	96-09-097	260-48-190	REP-P	96-04-066	260-48-620	NEW	96-10-014
260-24-370	REP-P	96-09-097	260-48-190	REP	96-10-014	260-48-630	NEW-P	96-04-066
260-24-380	REP-P	96-09-097	260-48-200	REP-P	96-04-066	260-48-630	NEW	96-10-014
260-24-390 260-24-400	REP-P REP-P	96-09-097 96-09-097	260-48-200 260-48-210	REP REP-P	96-10-014	260-48-640	NEW-P	96-04-066
260-24-410	REP-P	96-09-097	260-48-210	REP-P	96-04-066 96-10-014	260-48-640 260-48-650	NEW NEW-P	96-10-014 96-04-066
260-24-420	REP-P	96-09-097	260-48-220	REP-P	96-04-066	260-48-650	NEW-F	96-10-014
260-24-430	REP-P	96-09-097	260-48-220	REP	96-10-014	260-48-660	NEW-P	96-04-066
260-24-440	REP-P	96-09-097	260-48-230	REP-P	96-04-066	260-48-660	NEW	96-10-014
260-24-450	REP-P	96-09-097	260-48-230	REP	96-10-014	260-48-670	NEW-P	96-04-066
260-24-460	REP-P	96-09-097	260-48-240	REP-P	96-04-066	260-48-670	NEW	96-10-014
260-24-465	REP-P	96-09-097	260-48-240	REP	96-10-014	260-48-800	NEW-P	96-04-066
260-24-470	REP-P	96-09-097	260-48-250	REP-P	96-04-066	260-48-800	NEW	96-10-014
260-24-480 260-24-500	REP-P NEW-P	96-09-097 96-09-097	260-48-250 260-48-260	REP REP-P	96-10-014 96-04-066	260-48-810	NEW-P	96-04-066
260-24-510	NEW-P NEW-P	96-09-097 96-09-097	260-48-260	REP-P REP	96-04-066 96-10-014	260-48-810 260-48-820	NEW NEW-P	96-10-014 96-04-066
260-24-510	NEW-P	96-09-097	260-48-270	REP-P	96-04-066	260-48-820	NEW-P	96-04-066 96-10-014
260-24-530	NEW-P	96-09-097	260-48-270	REP	96-10-014	260-48-830	NEW-P	96-10-014
260-24-540	NEW-P	96-09-097	260-48-280	REP-P	96-04-066	260-48-830	NEW	96-10-014
260-24-550	NEW-P	96-09-097	260-48-280	REP	96-10-014	260-48-840	NEW-P	96-04-066
260-24-560	NEW-P	96-09-097	260-48-290	REP-P	96-04-066	260-48-840	NEW	96-10-014
260-24-570	NEW-P	96-09-097	260-48-290	REP	96-10-014	260-48-850	NEW-P	96-04-066
260-24-580	NEW-P	96-09-097	260-48-300	REP-P	96-04-066	l 260-48-850	NEW	96-10-014

Table [14]

200-48-870 NEW 96-10-014 226-60-370 NEW 96-12-008 260-70-210 REP 96-01-066 260-40-86 260-40-	WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-48-870 NEW 96-10-014 260-69-370 NEW 96-12-008 260-70-210 REP-P 96-04-066 260-60-380 NEW 96-12-008 260-70-220 REP-P 96-04-066 260-60-380 NEW 96-04-066 260-60-380 NEW 96-04-066 260-60-380 NEW 96-04-066 260-60-400 NEW 96-04-068 260-70-220 REP-P 96-04-066 260-60-400 NEW 96-04-068 260-70-220 REP-P 96-04-066 260-60-400 NEW 96-04-068 260-70-220 REP-P 96-04-066 260-04-000 REP-P 96-04-066 260-0	260-48-860	NEW-P	96-04-066	260-60-370	NEW-P	96-09-098	260-70-200	REP	96-10-001
260-48-870 NEW-P 96-00-014 (266-60-380) NEW-P 96-12-088 (267-02-10) REP-P 96-00-048-870 NEW-P 96-10-014 (266-60-380) NEW-P 96-12-088 (267-02-20) REP-P 96-00-02-02-048-880 NEW-P 96-10-014 (266-60-040) NEW-P 96-09-098 (267-02-20) REP-P 96-00-02-02-048-900 NEW-P 96-10-014 (266-60-040) NEW-P 96-09-098 (267-02-20) REP-P 96-00-02-048-900 NEW-P 96-10-014 (266-60-040) NEW-P 96-09-098 (267-02-20) REP-P 96-00-048-900 NEW-P 96-00-040-066 (266-60-040) NEW-P 96-09-098 (267-02-20) REP-P 96-00-040-048-900 NEW-P 96-00-040-066 (266-60-040) NEW-P 96-00-098 (267-02-20) REP-P 96-00-040-040-040-040-040-040-040-040-040								REP-P	96-04-067
260-48-870 NEW 96-10-014 260-60-380 NEW 96-12-008 260-70-220 REPL 96-10-0260-48-880 NEW-P 96-10-014 260-60-390 NEW-P 96-09-088 260-60-390 NEW 96-10-014 260-60-390 NEW-P 96-09-088 260-70-220 REPL 96-10-014 260-60-390 NEW 96-10-014 260-60-400 NEW 9					NEW-P	96-09-098	260-70-210	REP	96-10-001
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296-17-76207	AMD	96-12-039	296-54-513	AMD-P	96-09-101	296-78-84007	AMD-P	96-10-08
296-17-76207	AMD-P	96-05-064	296-54-515	AMD-P	96-09-101	296-104-025	PREP	96-09-08
296-17-76209	AMD-P	96-05-065	296-54-519	AMD-P	96-09-101	296-104-065	PREP	96-09-08
296-17-76209	AMD	96-12-039	296-54-521	AMD-P	96-09-101	296-104-102	PREP	96-09-08
296-17-763	AMD-P	96-05-064	296-54-523	AMD-P	96-09-101	296-104-170	PREP	96-09-08
296-17-763	AMD-P	96-05-065	296-54-529	AMD-P	96-09-10 1	296-104-205	PREP	96-09-08
296-17-763	AMD	96-12-039	296-54-531	AMD-P	96-09-101	296-104-210	PREP	96-09-08
296-17-778	AMD-P	96-05-064	296-54-535	AMD-P	96-09-101	296-104-215	PREP	96-09-08
296-17-778	AMD-P	96-05-065	296-54-537	AMD-P	96-09-101	296-104-220	PREP	96-09-08
296-17-778	AMD	96-12-039	296-54-539	AMD-P	96-09-101	296-104-230	PREP	96-09-08
296-17-870	AMD-P	96-05-064	296-54-551	AMD-P	96-09-101	296-104-235	PREP	96-09-08
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296-17-870	AMD-P	96-05-065 96-12-039	296-54-553 296-54-555	AMD-P AMD-P	96-09-101 96-09-101	296-104-240 296-104-245	PREP PREP	96-09-08

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WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
296-104-255	PREP	96-09-086	296-305-01509	NEW-C	96-03-026	296-305-05011	NEW	96-11-067
296-104-256	PREP	96-09-086	296-305-01509	NEW-C	96-11-067	296-305-05011	NEW-C	96-03-026
296-104-260	PREP	96-09-086	296-305-01511	NEW-C	96-03-026	296-305-05013	NEW	96-11-067
296-104-273	PREP	96-09-086	296-305-01511	NEW	96-11-067	296-305-05501	NEW-C	96-03-026
296-116-185	PREP	96-05-054	296-305-01513	NEW-C	96-03-026	296-305-05501	NEW	96-11-067
296-116-185	AMD-P	96-10-055	296-305-01513	NEW	96-11-067	296-305-05503	NEW-C	96-03-026
296-116-185	AMD-C	96-13-057	296-305-01515	NEW-C	96-03-026	296-305-05503	NEW	96-11-067
296-116-300	PREP	96-04-052	296-305-01515	NEW	96-11-067	296-305-060	AMD-C	96-03-026
296-116-300	AMD-P	96-08-067	296-305-01517	NEW-C	96-03-026	296-305-060	REP	96-11-067
296-116-300	AMD	96-12-017	296-305-01517	NEW	96-11-067	296-305-06001	AMD-C	96-03-026
296-150A	PREP	96-06-032	296-305-017	AMD-C	96-03-026	296-305-06001	AMD	96-11-067
296-155	PREP	96-05-078	296-305-017	REP	96-11-067	296-305-06003	AMD-C	96-03-026
296-155	PREP	96-05-079	296-305-020	AMD-C	96-03-026	296-305-06003	AMD	96-11-067
296-155-245	AMD-P	96-11-116	296-305-020	REP	96-11-067	296-305-06005	AMD-C	96-03-026
296-155-24501	AMD-P	96-11-116	296-305-02001	NEW-C	96-03-026	296-305-06005	AMD	96-11-067
296-155-24503	AMD-P	96-11-116	296-305-02001	NEW NEW-C	96-11-067	296-305-06007	AMD-C	96-03-026
296-155-24505 296-155-24507	AMD-P AMD-P	96-11-116 96-11-116	296-305-02003 296-305-02003	NEW-C	96-03-026 96-11-067	296-305-06007 296-305-06009	AMD AMD-C	96-11-067 96-03-026
296-155-24507 296-155-24510	AMD-P	96-11-116	296-305-02005	NEW-C	96-03-026	296-305-06009	REP	96-11-067
296-155-24515	AMD-P	96-11-116	296-305-02005	NEW-C	96-11-067	296-305-06011	AMD-C	96-03-026
296-155-24519	AMD-P	96-11-116	296-305-02007	NEW-C	96-03-026	296-305-06011	REP	96-11-067
296-155-24520	AMD-P	96-11-116	296-305-02007	NEW-C	96-11-067	296-305-063	AMD-C	96-03-026
296-155-24521	AMD-P	96-11-116	296-305-02009	NEW-C	96-03-026	296-305-063	REP	96-11-067
296-155-24522	AMD-P	96-11-116	296-305-02009	NEW	96-11-067	296-305-064	AMD-C	96-03-026
296-155-24523	AMD-P	96-11-116	296-305-02011	NEW-C	96-03-026	296-305-064	REP	96-11-067
296-155-24524	AMD-P	96-11-116	296-305-02011	NEW	96-11-067	296-305-065	AMD-C	96-03-026
296-155-24525	AMD-P	96-11-116	296-305-02013	NEW-C	96-03-026	296-305-065	REP	96-11-067
296-155-325	AMD-P	96-11-116	296-305-02013	NEW	96-11-067	296-305-06501	AMD-C	96-03-026
296-155-429	AMD-P	96-10-085	296-305-02015	NEW-C	96-03-026	296-305-06501	AMD	96-11-067
296-155-477	AMD-P	96-11-116	296-305-02015	NEW	96-11-067	296-305-06503	AMD-C	96-03-026
296-155-480	AMD-P	96-11-116	296-305-02017	NEW-C	96-03-026	296-305-06503	AMD	96-11-067
296-155-485	AMD-P	96-11-116	296-305-02017	NEW	96-11-067	296-305-06505	AMD-C	96-03-026
296-155-48533	AMD-P	96-11-116	296-305-02019	NEW-C	96-03-026	296-305-06505	AMD	96-11-067
296-155-500	AMD-P	96-11-116	296-305-02019	NEW	96-11-067	296-305-06507	AMD-C	96-03-026
296-155-505	AMD-P	96-11-116	296-305-025	AMD-C	96-03-026	296-305-06507	AMD	96-11-067
296-155-50503	AMD-P	96-11-116	296-305-025	REP	96-11-067	296-305-06509	AMD-C	96-03-026
296-155-515	AMD-P	96-11-116	296-305-02501	NEW-C	96-03-026	296-305-06509	AMD	96-11-067
296-155-655	AMD-P	96-11-116	296-305-02501	NEW	96-11-067	296-305-06511	AMD-C	96-03-026
296-155-715	AMD-P	96-11-116	296-305-030	AMD-C	96-03-026	296-305-06511	AMD	96-11-067
296-155-740 296-155-745	AMD-P AMD-P	96-11-116 96-11-116	296-305-030 296-305-03001	REP NEW-C	96-11-067 96-03-026	296-305-06513 296-305-06513	AMD-C	96-03-026
296-133-743 296-305-001	AMD-F	96-03-026	296-305-03001	NEW-C	96-11-067	296-305-06515	AMD AMD-C	96-11-067 96-03-026
296-305-001	REP	96-11-067	296-305-035	AMD-C	96-03-026	296-305-06515	AMD-C	96-11-067
296-305-003	AMD-C	96-03-026	296-305-035	REP	96-11-067	296-305-06517	AMD-C	96-03-026
296-305-003	REP	96-11-067	296-305-040	AMD-C	96-03-026	296-305-06517	AMD	96-11-067
296-305-005	AMD-C	96-03-026	296-305-040	REP	96-11-067	296-305-06519	NEW-C	96-03-026
296-305-005	REP	96-11-067	296-305-04001	NEW-C	96-03-026	296-305-06519	NEW	96-11-067
296-305-007	AMD-C	96-03-026	296-305-04001	NEW	96-11-067	296-305-070	AMD-C	96-03-026
296-305-007	REP	96-11-067	296-305-045	AMD-C	96-03-026	296-305-070	REP	96-11-067
296-305-010	AMD-C	96-03-026	296-305-045	REP	96-11-067	296-305-07001	AMD-C	96-03-026
296-305-010	REP	96-11-067	296-305-04501	NEW-C	96-03-026	296-305-07001	AMD	96-11-067
296-305-01001	NEW-C	96-03-026	296-305-04501	NEW	96-11-067	296-305-07003	AMD-C	96-03-026
296-305-01001	NEW	96-11-067	296-305-04503	NEW-C	96-03-026	296-305-07003	AMD	96-11-067
296-305-01002	NEW-C	96-03-026	296-305-04503	NEW	96-11-067	296-305-07005	AMD-C	96-03-026
296-305-01002	NEW	96-11-067	296-305-04505	NEW-C	96-03-026	296-305-07005	AMD	96-11-067
296-305-01003	NEW-C	96-03-026	296-305-04505	NEW	96-11-067	296-305-07007	AMD-C	96-03-026
296-305-01003	NEW	96-11-067	296-305-04507	NEW-C	96-03-026	296-305-07007	AMD	96-11-067
296-305-01005	NEW-C	96-03-026	296-305-04507	NEW	96-11-067	296-305-07009	AMD-C	96-03-026
296-305-01005 296-305-01007	NEW NEW-C	96-11-067 96-03-026	296-305-04509 296-305-04509	NEW-C NEW	96-03-026 96-11-067	296-305-07009	AMD	96-11-067
296-305-01007 296-305-01007	NEW-C	96-11-067	296-305-04511	NEW-C	96-03-026	296-305-07011 296-305-07011	NEW-C	96-03-026
296-305-01007 296-305-01009	NEW-C	96-03-026	296-305-04511	NEW-C	96-11-067	296-305-07011	NEW NEW-C	96-11-067
296-305-01009	NEW-C	96-11-067	296-305-05001	NEW-C	96-03-026	296-305-07013	NEW-C	96-03-026
296-305-015	AMD-C	96-03-026	296-305-05001	NEW-C	96-11-067	296-305-07015	NEW-C	96-11-067 96-03-026
296-305-015	REP	96-11-067	296-305-05003	NEW-C	96-03-026	296-305-07015	NEW-C	96-11-067
296-305-01501	NEW-C	96-03-026	296-305-05003	NEW-C	96-11-067	296-305-07017	NEW-C	96-03-026
296-305-01501	NEW	96-11-067	296-305-05005	NEW-C	96-03-026	296-305-07017	NEW-C	96-11-067
	NEW-C	96-03-026	296-305-05005	NEW	96-11-067	296-305-07019	NEW-C	96-03-026
(96-305-01503		96-11-067	296-305-05007	NEW-C	96-03-026	296-305-07019	NEW	96-11-067
	NEW							20 11-001
296-305-01503	NEW NEW-C	96-03-026	296-305-05007	NEW	96-11-067	296-305-075	AMD-C	96-03-026
296-305-01503 296-305-01505				NEW NEW-C	96-11-067 96-03-026	296-305-075 296-305-075	AMD-C REP	96-03-026 96-11-067
296-305-01503 296-305-01503 296-305-01505 296-305-01505 296-305-01507	NEW-C	96-03-026	296-305-05007					96-03-026 96-11-067 96-03-026

Table [20]

WAC #		WSR #	WAC #		WSR #	WAC#		WSR #
206 205 00000	NEW-C	96-03-026	308-66-150	AMD-P	96-13-042	308-128B-030	DECOD	96-05-018
296-305-08000 296-305-08000	NEW-C	96-11-067	308-66-155	AMD-P	96-13-042	308-128B-050	DECOD	96-05-018
296-305-085	AMD-C	96-03-026	308-66-160	AMD-P	96-13-042	308-128B-070	DECOD	96-05-018
296-305-085	REP	96-11-067	308-66-170	AMD-P	96-13-042	308-128B-080	DECOD	96-05-018
296-305-085	AMD-C	96-03-026	308-66-180	AMD-P	96-13-042	308-128B-090	DECOD	96-05-018
296-305-090	REP	96-11-067	308-66-190	AMD-P	96-13-042	308-128C	PREP	96-06-084 96-05-018
296-305-095	AMD-C	96-03-026	308-66-200	AMD-P	96-13-042	308-128C-020	DECOD DECOD	96-05-018
296-305-095	REP	96-11-067	308-66-205	AMD-P	96-13-042	308-128C-030	DECOD	96-05-018
296-305-100	AMD-C	96-03-026	308-66-206	REP-P	96-13-042	308-128C-040 308-128C-050	DECOD	96-05-018
296-305-100	REP	96-11-067	308-66-210	AMD-P	96-13-042 96-13-042	308-128D	PREP	96-06-084
296-305-105	AMD-C	96-03-026	308-66-211	AMD-P AMD-P	96-13-042 96-13-042	308-128D-010	DECOD	96-05-018
296-305-105	REP	96-11-067	308-66-212 308-66-214	AMD-P	96-13-042	308-128D-020	DECOD	96-05-018
296-305-110	AMD-C	96-03-026 96-11-067	308-66-215	REP-P	96-13-042	308-128D-030	DECOD	96-05-018
296-305-110	REP	96-03-026	308-66-227	NEW-P	96-13-042	308-128D-040	DECOD	96-05-018
296-305-115	AMD-C REP	96-11-067	308-66-230	REP-P	96-13-042	308-128D-050	DECOD	96-05-018
296-305-115	PREP	96-06-034	308-87-010	NEW-P	96-11-006	308-128D-060	DECOD	96-05-018
296-306 296-306	PREP	96-06-078	308-87-020	NEW-P	96-11-006	308-128D-070	DECOD	96-05-018
304-12-010	REP	96-04-045	308-87-020	NEW-E	96-12-076	308-128D-080	DECOD	96-05-018
304-12-020	REP	96-04-045	308-87-030	NEW-P	96-11-006	308-128E	PREP	96-06-084
304-12-025	REP	96-04-045	308-87-040	NEW-P	96-11-006	308-128E-011	DECOD	96-05-018 96-06-084
304-12-145	AMD	96-04-045	308-87-050	NEW-P	96-11-006	308-128F	PREP	96-05-018
304-12-290	AMD	96-04-045	308-87-060	NEW-P	96-11-006	308-128F-010	DECOD DECOD	96-05-018
304-12-350	REP	96-04-045	308-87-060	NEW-E	96-12-076	308-128F-020 308-128F-040	DECOD	96-05-018
304-25-010	REP	96-04-045	308-87-070	NEW-P	96-11-006 96-11-006	308-128F-050	DECOD	96-05-018
304-25-020	REP	96-04-045	308-87-080	NEW-P AMD-P	96-11-006	308-128F-060	DECOD	96-05-018
304-25-030	REP	96-04-045	308-89-010	AMD-P	96-11-006	308-128F-070	DECOD	96-05-018
304-25-040	REP	96-04-045	308-89-020 308-89-030	AMD-P	96-11-006	308-129-010	NEW-W	96-08-053
304-25-050	REP	96-04-045 96-04-045	308-89-040	AMD-P	96-11-006	308-129-010	NEW-P	96-11-102
304-25-060	REP	96-04-045	308-89-050	AMD-P	96-11-006	308-129-011	NEW-E	96-09-05
304-25-110	REP REP	96-04-045	308-89-060	AMD-P	96-11-006	308-129-020	NEW-W	96-08-05
304-25-120 304-25-510	REP	96-04-045	308-93-010	AMD-P	96-07-030	308-129-020	NEW-P	96-11-102
304-25-520	REP	96-04-045	308-93-010	AMD-S	96-11-128	308-129-021	NEW-E	96-09-050
304-25-530	REP	96-04-045	308-93-050	AMD-P	96-07-030	308-129-030	NEW-W	96-08-05
304-25-540	REP	96-04-045	308-93-050	AMD-S	96-11-128	308-129-030	NEW-P	96-11-10
304-25-550	REP	96-04-045	308-93-070	AMD	96-04-004	308-129-031	NEW-E NEW-W	96-09-050 96-08-05
304-25-555	REP	96-04-045	308-93-088	AMD	96-03-046	308-129-100	NEW-W	96-11-10
304-25-560	REP	96-04-045	308-93-174	REP-P	96-09-041	308-129-100 308-129-101	NEW-F	96-09-05
304-25-570	REP	96-04-045	308-93-174	REP	96-13-055 96-03-046	308-129-110	NEW-W	96-08-05
304-25-580	REP	96-04-045	308-93-440	AMD AMD	96-03-046	308-129-110	NEW-P	96-11-10
304-25-590	REP	96-04-045	308-93-670	NEW-P	96-07-030	308-129-111	NEW-E	96-09-05
308-10-010	AMD	96-05-036 96-05-036	308-93-700 308-93-700	NEW-S	96-11-128	308-129-120	NEW-W	96-08-05
308-10-020	AMD	96-05-036	308-93-710	NEW-P	96-07-030	308-129-120	NEW-P	96-11-10
308-10-025	AMD AMD	96-05-036	308-93-710	NEW-S	96-11-128	308-129-130	NEW-W	96-08-05
308-10-030 308-10-040	AMD	96-05-036	308-93-720	NEW-P	96-07-030	308-129-130	NEW-P	96-11-10
308-10-045	AMD	96-05-036	308-93-720	NEW-S	96-11-128	308-129-200	NEW-W	96-08-05
308-10-043	AMD	96-05-036	308-93-730	NEW-P	96-07-030	308-129-210	NEW-W	96-08-05
308-13-005	AMD-P	96-04-009	308-93-730	NEW-S	96-11-128	308-129-220	NEW-W	96-08-05
308-13-005	AMD-C	96-04-040	308-93-740	NEW-P	96-07-030	308-129-230	NEW-W	96-08-05
308-13-005	AMD	96-10-013	388-93-740	NEW-S	96-11-128	308-129-230	NEW-P	96-11-10 96-08-05
308-13-015	AMD-P	96-04-009	308-93-750	NEW-P	96-07-030	308-129-240	NEW-W NEW-W	96-08-05
308-13-015	AMD-C	96-04-040	308-93-750	NEW-S	96-11-128	308-129-300	NEW-W	96-11-10
308-13-015	AMD	96-10-013	308-93-760	NEW-P	96-07-030	308-129-300 308-129-310	NEW-P	96-08-05
308-13-024	AMD-P	96-04-009	308-93-760	NEW-S	96-11-128 96-07-030	308-129-310	NEW-P	96-11-10
308-13-024	AMD-C	96-04-040	308-93-770	NEW-P	96-11-128	308-129-310	NEW-P	96-11-10
308-13-024	AMD	96-10-013	308-93-770	NEW-S AMD	96-04-004	308-330-300	AMD-P	96-10-03
308-13-050	AMD-P	96-04-009	308-94-030 308-94-035	REP-P	96-09-039	308-330-300	AMD	96-13-08
308-13-050	AMD-C	96-04-040	308-94-035	REP	96-13-053	308-330-305	AMD-P	96-10-03
308-13-050	AMD REP-P	96-10-013 96-04-009	308-96A-035	AMD	96-04-004	308-330-305	AMD	96-13-08
308-13-110 308-13-110	REP-P	96-04-009	308-96A-505	AMD-P	96-09-040	308-330-307	AMD-P	96-10-03
308-13-110	REP	96-10-013	308-96A-505	AMD	96-13-054	308-330-307	AMD	96-13-08
308-13-110	PREP	96-04-007	308-124D-040	PREP	96-13-049	308-330-316	AMD-P	96-10-03
308-13-150	AMD-P	96-08-005	308-128A	PREP	96-06-084	308-330-316	AMD	96-13-08
308-13-150	AMD	96-11-132	308-128A-010	DECOD	96-05-018	308-330-400	AMD-P	96-10-03
308-56A-030	AMD	96-04-004	308-128A-020	DECOD	96-05-018	308-330-400	AMD	96-13-08
308-56A-090	AMD	96-03-047	308-128A-030	DECOD	96-05-018	314-10-090	AMD-P	96-13-04
308-56A-210	AMD	96-03-047	308-128A-040	DECOD	96-05-018	314-12-020	AMD	96-03-00
308-57	PREP	96-11-104	308-128B	PREP	96-06-084	314-12-025	AMD	96-03-00 96-03-00
308-66-110	AMD-P	96-13-042	308-128B-010	DECOD	96-05-018	314-12-035	AMD AMD	96-03-00
308-66-120	AMD-P	96-13-042	308-128B-020	DECOD	96-05-018	314-12-070		

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
314-12-080	AMD	96-03-004	315-11A-174	NEW-P	96-12-096	317-31-120	MEW D	06.02.071
314-14-010	NEW	96-03-074	315-11A-175	NEW-P	96-12-096	317-31-120	NEW-P NEW	96-03-071 96-12-077
314-14-020	NEW	96-03-074	315-11A-176	NEW-P	96-12-096	317-31-130	NEW-P	96-03-071
314-14-030	NEW	96-03-074	315-11A-177	NEW-P	96-12-096	317-31-130	NEW	96-12-077
314-14-040	NEW	96-03-074	315-11A-178	NEW-P	96-12-096	317-31-140	NEW-P	96-03-071
314-14-050	NEW	96-03-074	315-11A-179	NEW-P	96-12-096	317-31-140	NEW	96-12-077
314-14-060 314-14-070	NEW NEW	96-03-074 96-03-074	315-34 315-34-010	PREP AMD-P	96-08-004	317-31-200	NEW-P	96-03-071
314-14-080	NEW	96-03-074	315-34-020	AMD-P	96-12-096 96-12-096	317-31-200 317-31-210	NEW NEW-P	96-12-077 96-03-071
314-14-090	NEW	96-03-074	315-34-040	AMD-P	96-12-096	317-31-210	NEW -	96-12-077
314-14-100	NEW	96-03-074	315-34-070	NEW-P	96-12-096	317-31-220	NEW-P	96-03-071
314-14-110	NEW	96-03-074	315-34-080	NEW-P	96-12-096	317-31-220	NEW	96-12-077
314-14-120	NEW	96-03-074	315-34-090	NEW-P	96-12-096	317-31-230	NEW-P	96-03-071
314-14-130 314-14-140	NEW NEW	96-03-074 96-03-074	315-34-100 317-21-020	NEW-P	96-12-096	317-31-230	NEW	96-12-077
314-14-150	NEW	96-03-074	317-21-020	AMD AMD	96-03-070 96-03-070	317-31-240 317-31-240	NEW-P NEW	96-03-071 96-12-077
314-14-160	NEW	96-03-074	317-21-120	AMD	96-03-070	317-31-250	NEW-P	96-12-077
314-14-170	NEW-W	96-13-087	317-21-200	AMD	96-03-070	317-31-250	NEW	96-12-077
314-16-196	AMD	96-03-005	317-21-205	AMD	96-03-070	317-31-300	NEW-P	96-03-071
314-20-100	AMD-P	96-07-101	317-21-210	AMD	96-03-070	317-31-300	NEW	96-12-077
314-20-100	AMD-W	96-11-075	317-21-215	AMD	96-03-070	317-31-310	NEW-P	96-03-071
314-24-190 314-24-190	AMD-P AMD-W	96-07-101 96-11-075	317-21-235	AMD	96-03-070	317-31-310	NEW	96-12-077
314-24-190	AMD-W	96-07-100	317-21-245 317-21-265	AMD AMD	96-03-070 96-03-070	317-31-900 317-31-900	NEW-P	96-03-071
314-24-220	AMD	96-11-076	317-21-320	AMD	96-03-070	317-50-999	NEW NEW-E	96-12-077 96-08-002
314-70-010	AMD	96-03-004	317-21-345	AMD	96-03-070	326-02-030	AMD-E	96-13-010
314-70-030	AMD	96-03-004	317-21-500	AMD	96-03-070	326-30-041	PREP	96-07-089
315-04-220	AMD	96-03-039	317-21-530	AMD	96-03-070	326-30-041	AMD-P	96-11-100
315-06	PREP	96-09-103	317-21-540	AMD	96-03-070	326-30-051	AMD-E	96-13-010
315-06-120 315-06-120	PREP AMD-P	96-12-095 96-12-096	317-30 317-30-010	REP-C	96-09-008	326-40-030	PREP	96-07-088
315-06-123	NEW-P	96-12-096	317-30-010	REP-P REP	96-03-071 96-12-077	326-40-060 332-24-221	AMD-E AMD-P	96-13-010
315-10-050	PREP	96-03-156	317-30-010	REP-P	96-03-071	332-24-221	AMD-P	96-08-027 96-12-020
315-10-050	REP-P	96-07-104	317-30-020	REP	96-12-077	332-24-301	PREP	96-12-021
315-10-050	REP	96-11-107	317-30-030	REP-P	96-03-071	332-24-720	AMD	96-03-003
315-11A	PREP	96-08-004	317-30-030	REP	96-12-077	332-26-040	NEW-E	96-13-048
315-11A-157	NEW-W	96-03-038	317-30-040	REP-P	96-03-071	332-26-050	NEW-E	96-13-048
315-11A-157 315-11A-157	NEW-P NEW	96-03-157 96-07-015	317-30-040 317-30-050	REP REP-P	96-12-077 96-03-071	332-26-060 352-32-300	NEW-E	96-13-048
315-11A-158	NEW	96-03-039	317-30-050	REP-F	96-03-071	356-05-171	PREP REP-P	96-13-079 96-08-082
315-11A-159	NEW	96-03-039	317-30-060	REP-P	96-03-071	356-05-171	REP-C	96-09-088
315-11A-160	NEW	96-03-039	317-30-060	REP	96-12-077	356-05-171	REP	96-13-076
315-11A-161	NEW	96-03-039	317-30-070	REP-P	96-03-071	356-05-415	AMD-W	96-02-069
315-11A-162 315-11A-162	NEW-P NEW	96-03-157	317-30-070	REP	96-12-077	356-06-080	AMD-P	96-08-087
315-11A-162	AMD-P	96-07-015 96-12-096	317-30-080 317-30-080	REP-P REP	96-03-071	356-06-080	AMD AMD-P	96-11-062
315-11A-163	NEW-P	96-03-157	317-30-080	REP-P	96-12-077 96-03-071	356-10-020 356-10-020	AMD-P AMD	96-08-087 96-11-062
315-11A-163	NEW	96-07-015	317-30-090	REP .	96-12-077	356-14-240	AMD	96-02-073
315-11A-164	NEW-P	96-03-157	317-30-100	REP-P	96-03-071	356-14-260	AMD-P	96-08-082
315-11A-164	NEW	96-07-015	317-30-100	REP	96-12-077	356-14-260	AMD-C	96-09-088
315-11A-164 315-11A-164	PREP	96-08-071	317-30-110	REP-P	96-03-071	356-14-260	AMD	96-13-076
315-11A-164	PREP AMD-P	96-09-103 96-12-096	317-30-110 317-30-120	REP REP-P	96-12-077 96-03-071	356-15-030	AMD-P	96-08-082
315-11A-165	NEW-P	96-03-157	317-30-120	REP-P	96-12-077	356-15-030 356-15-030	AMD-C AMD	96-09-088 96-13-076
315-11A-165	NEW	96-07-015	317-30-130	REP-P	96-03-071	356-15-050	AMD	96-02-073
315-11A-166	NEW-P	96-03-157	317-30-130	REP	96-12-077	356-15-060	AMD-P	96-02-070
315-11A-166	NEW	96-07-015	317-30-140	REP-P	96-03-071	356-15-060	AMD-C	96-07-092
315-11A-167	NEW-P	96-03-157	317-30-140	REP	96-12-077	356-15-060	AMD-W	96-09-053
315-11A-167 315-11A-167	NEW AMD-P	96-07-015 96-12-096	317-30-150 317-30-150	REP-P	96-03-071	356-15-060	AMD-P	96-10-064
315-11A-168	NEW-P	96-07-104	317-30-130	REP REP-P	96-12-077 96-03-071	356-15-060 356-15-070	AMD AMD	96-13-075
315-11A-168	NEW	96-11-107	317-30-900	REP	96-12-077	356-15-090	AMD	96-02-073 96-02-073
315-11A-169	NEW-P	96-07-104	317-31	NEW-C	96-09-008	356-15-110	AMD	96-02-073
315-11A-169	NEW	96-11-107	317-31-010	NEW-P	96-03-071	356-18-060	AMD-P	96-08-082
315-11A-169	AMD-P	96-12-096	317-31-010	NEW	96-12-077	356-18-060	AMD-C	96-09-088
315-11A-170 315-11A-170	NEW-P NEW	96-07-104 96-11-107	317-31-020	NEW-P	96-03-071	356-18-060	AMD	96-13-076
315-11A-171	NEW-P	96-07-104	317-31-020 317-31-030	NEW NEW-P	96-12-077 96-03-071	356-18-080 356-18-080	AMD-P	96-08-082
315-11A-171	NEW	96-11-107	317-31-030	NEW-F	96-12-077	356-18-080	AMD-C AMD	96-09-088 96-13-076
315-11A-172	NEW-P	96-07-104	317-31-100	NEW-P	96-03-071	356-18-110	AMD-P	96-13-076 96-08-082
315-11A-172	NEW	96-11-107	317-31-100	NEW	96-12-077	356-18-110	AMD-C	96-09-088
315-11A-173	NEW-P	96-07-104	317-31-110	NEW-P	96-03-071	356-18-110	AMD	96-13-076
315-11A-173	NEW	96-11-107	317-31-110	NEW	96-12-077	l 356-18-112	AMD-W	96-02-069
Table				[22]				

WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
				DED D	06.10.062	371-08-455	NEW-P	96-10-063
356-18-112	AMD-P	96-08-083	371-08-075 371-08-080	REP-P REP-P	96-10-063 96-10-063	371-08-455	NEW-P	96-10-063
356-18-112	AMD	96-11-058		REP-P	96-10-063	371-08-465	NEW-P	96-10-063
356-18-116	AMD	96-02-073 96-08-082	371-08-085 371-08-100	REP-P	96-10-063	371-08-470	NEW-P	96-10-063
356-18-140	AMD-P AMD-C	96-08-082 96-09-088	371-08-100	REP-P	96-10-063	371-08-475	NEW-P	96-10-063
356-18-140 356-18-140	AMD-C	96-13-076	371-08-104	REP-P	96-10-063	371-08-480	NEW-P	96-10-063
356-18-145	AMD-P	96-08-082	371-08-125	REP-P	96-10-063	371-08-485	NEW-P	96-10-063
356-18-145	AMD-C	96-09-088	371-08-130	REP-P	96-10-063	371-08-490	NEW-P	96-10-063
356-18-145	AMD	96-13-076	371-08-140	REP-P	96-10-063	371-08-500	NEW-P	96-10-063
356-18-150	AMD-P	96-08-082	371-08-144	REP-P	96-10-063	371-08-505	NEW-P	96-10-063
356-18-150	AMD-C	96-09-088	371-08-146	REP-P	96-10-063	371-08-505	NEW-S	96-13-065
356-18-150	AMD	96-13-076	371-08-147	REP-P	96-10-063	371-08-510	NEW-P	96-10-063
356-22-220	AMD-P	96-08-085	371-08-148	REP-P	96-10-063	371-08-515	NEW-P	96-10-063 96-10-063
356-22-220	AMD	96-11-060	371-08-150	REP-P	96-10-063	371-08-520	NEW-P	96-10-063
356-30-025	REP-W	96-02-069	371-08-155	REP-P	96-10-063 96-10-063	371-08-525 371-08-530	NEW-P NEW-P	96-10-063
356-30-050	AMD	96-02-073	371-08-156 371-08-162	REP-P REP-P	96-10-063	371-08-535	NEW-P	96-10-063
356-30-065	AMD-W	96-02-069 96-02-069	371-08-165	REP-P	96-10-063	371-08-540	NEW-P	96-10-063
356-30-067	AMD-W	96-02-069	371-08-163	REP-P	96-10-063	371-08-545	NEW-P	96-10-063
356-30-230	AMD AMD	96-02-073	371-08-107	REP-P	96-10-063	371-08-550	NEW-P	96-10-063
356-30-315 356-30-330	AMD	96-02-073	371-08-183	REP-P	96-10-063	371-08-555	NEW-P	96-10-063
356-37-020	AMD-P	96-04-052A	371-08-184	REP-P	96-10-063	371-08-560	NEW-P	96-10-063
356-37-020	AMD	96-07-093	371-08-185	REP-P	96-10-063	371-08-565	NEW-P	96-10-063
356-37-030	AMD-P	96-04-052A	371-08-186	REP-P	96-10-063	371-08-570	NEW-P	96-10-063
356-37-030	AMD	96-07-093	371-08-187	REP-P	96-10-063	374-60-030	AMD	96-04-005
356-37-040	AMD-P	96-04-052A	371-08-188	REP-P	96-10-063	374-60-120	AMD	96-04-005
356-37-040	AMD	96-07-093	371-08-189	REP-P	96-10-063	388-11-010	REP-P	96-06-039
356-37-050	AMD-P	96-04-052A	371-08-195	REP-P	96-10-063	388-11-010	REP	96-09-036 96-06-039
356-37-050	AMD	96-07-093	371-08-196	REP-P	96-10-063	388-11-011	AMD-P	96-09-036
356-37-100	AMD-P	96-04-052A	371-08-197	REP-P	96-10-063 96-10-063	388-11-011 388-11-015	AMD AMD-P	96-06-039
356-37-100	AMD	96-07-093	371-08-200 371-08-215	REP-P REP-P	96-10-063	388-11-015	AMD	96-09-036
356-37-160	NEW-P NEW	96-04-052A 96-07-093	371-08-213	REP-P	96-10-063	388-11-030	REP-P	96-06-039
356-37-160 356-37-170	NEW-P	96-04-052A	371-08-220	REP-P	96-10-063	388-11-030	REP	96-09-036
356-37-170 356-37-170	NEW	96-07-093	371-08-235	REP-P	96-10-063	388-11-032	REP-P	96-06-039
356-42-020	AMD-P	96-06-059	371-08-240	REP-P	96-10-063	388-11-032	REP	96-09-036
356-42-020	AMD-C	96-09-054	371-08-250	REP-P	96-10-063	388-11-035	REP-P	96-06-039
356-42-020	AMD-C	96-11-057	371-08-255	REP-P	96-10-063	388-11-035	REP	96-09-036
356-42-020	AMD	96-13-074	371-08-260	REP-P	96-10-063	388-11-040	REP-P	96-06-039
356-42-045	AMD-P	96-10-066	371-08-300	NEW-P	96-10-063	388-11-040	REP	96-09-036
356-42-045	AMD-W	96-13-073	371-08-305	NEW-P	96-10-063	388-11-045	AMD-P AMD	96-06-039 96-09-036
356-42-055	AMD-P	96-04-052A	371-08-310	NEW-P NEW-S	96-10-063 96-13-065	388-11-045 388-11-048	AMD-P	96-06-039
356-42-055	AMD	96-07-093	371-08-310	NEW-S	96-10-063	388-11-048	AMD	96-09-036
356-46-080	AMD	96-02-073 96-08-089	371-08-315 371-08-320	NEW-P	96-10-063	388-11-055	REP-P	96-06-039
356-56-115	AMD-P AMD	96-12-004	371-08-325	NEW-P	96-10-063	388-11-055	REP	96-09-036
356-56-115 365-185-010	NEW-E	96-03-045	371-08-330	NEW-P	96-10-063	388-11-060	REP-P	96-06-039
365-185-010	NEW	96-04-046	371-08-335	NEW-P	96-10-063	388-11-060	REP	96-09-036
365-185-020	NEW-E	96-03-045	371-08-335	NEW-S	96-13-065	388-11-065	AMD-P	96-06-039
365-185-020	NEW	96-04-046	371-08-340	NEW-P	96-10-063	388-11-065	AMD	96-09-036
365-185-030	NEW-E	96-03-045	371-08-345	NEW-P	96-10-063	388-11-120	AMD-P	96-06-039
365-185-030	NEW	96-04-046	371-08-345	NEW-S	96-13-065	388-11-120	AMD	96-09-036
365-185-040	NEW-E	96-03-045	371-08-350	NEW-P	96-10-063	388-11-140	AMD-P	96-06-039
365-185-040	NEW	96-04-046	371-08-355	NEW-P	96-10-063	388-11-140	AMD	96-09-036
365-185-050	NEW-E	96-03-045	371-08-360	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039 96-09-036
365-185-050	NEW	96-04-046	371-08-365	NEW-P	96-10-063	388-11-150	AMD AMD-P	96-06-039
365-185-060	NEW-E	96-03-045	371-08-370	NEW-P	96-10-063	388-11-210 388-11-210	AMD-P	96-09-036
365-185-060	NEW	96-04-046	371-08-375	NEW-P NEW-P	96-10-063 96-10-063	388-11-215	AMD-P	96-06-039
371-08-001	REP-P	96-10-063 96-10-063	371-08-380 371-08-385	NEW-P	96-10-063	388-11-215	AMD	96-09-036
371-08-002	REP-P	96-10-063	371-08-383	NEW-P	96-10-063	388-11-220	AMD-P	96-06-039
371-08-005 371-08-010	REP-P REP-P	96-10-063	371-08-395	NEW-P	96-10-063	388-11-220	AMD	96-09-036
371-08-010 371-08-020	REP-P	96-10-063	371-08-400	NEW-P	96-10-063	388-11-280	NEW-P	96-06-039
371-08-020	REP-P	96-10-063	371-08-405	NEW-P	96-10-063	388-11-280	NEW	96-09-036
371-08-030	REP-P	96-10-063	371-08-410	NEW-P	96-10-063	388-11-285	NEW-P	96-06-039
371-08-032	REP-P	96-10-063	371-08-415	NEW-P	96-10-063	388-11-285	NEW	96-09-036
371-08-035	REP-P	96-10-063	371-08-420	NEW-P	96-10-063	388-11-290	NEW-P	96-06-039
371-08-040	REP-P	96-10-063	371-08-425	NEW-P	96-10-063	388-11-290	NEW	96-09-036
371-08-050	REP-P	96-10-063	371-08-430	NEW-P	96-10-063	388-11-295	NEW-P	96-06-039
371-08-055	REP-P	96-10-063	371-08-435	NEW-P	96-10-063	388-11-295	NEW	96-09-036
371-08-061	REP-P	96-10-063	371-08-440	NEW-P	96-10-063	388-11-300	NEW-P	96-06-039
371-08-065	REP-P	96-10-063	371-08-445	NEW-P NEW-P	96-10-063	388-11-300	NEW NEW-P	96-09-036 96-06-039
371-08-071	REP-P	96-10-063	371-08-450		96-10-063	I 388-11-305		

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WAC#		WSR #	WAC#		WSR #	WAC #		WSR #
200 11 205	NEW	06.00.006	200 40 410		06.07.000			
388-11-305 388-11-310	NEW NEW-P	96-09-036 96-06-039	388-49-410 388-49-480	AMD	96-07-022	388-73-823	NEW	96-10-032
388-11-310	NEW-P	96-09-036	388-49-500	PREP AMD-P	96-09-034 96-03-097	388-73-825 388-73-825	NEW-P	96-06-051
388-11-315	NEW-P	96-06-039	388-49-500	AMD-F AMD	96-06-046	388-73-825	NEW-E NEW	96-07-079 96-10-032
388-11-315	NEW	96-09-036	388-49-520	AMD-P	96-11-082	388-76	AMD-C	96-10-032
388-11-400	NEW-P	96-06-039	388-49-530	REP-P	96-11-081	388-76	AMD-C	96-13-018
388-11-400	NEW	96-09-036	388-49-535	AMD-P	96-11-080	388-76	AMD-C	96-13-058
388-11-405	NEW-P	96-06-039	388-49-670	AMD-P	96-03-095	388-76-010	REP-P	96-06-040
388-11-405	NEW	96-09-036	388-49-670	AMD	96-06-042	388-76-020	REP-P	96-06-040
388-11-410	NEW-P	96-06-039	388-55-006	NEW	96-05-009	388-76-030	REP-P	96-06-040
388-11-410	NEW	96-09-036	388-55-008	NEW	96-05-009	388-76-040	REP-P	96-06-040
388-11-415	NEW-P	96-06-039	388-55-010	AMD	96-05-009	388-76-045	REP-P	96-06-040
388-11-415 388-11-420	NEW NEW-P	96-09-036 96-06-039	388-55-020	AMD	96-05-009	388-76-050	REP-P	96-06-040
388-11-420	NEW-P	96-09-036	388-55-024 388-55-027	NEW NEW	96-05-009	388-76-060	REP-P	96-06-040
388-11-425	NEW-P	96-06-039	388-55-030	AMD	96-05-009 96-05-009	388-76-070 388-76-080	REP-P REP-P	96-06-040
388-11-425	NEW	96-09-036	388-55-040	AMD	96-05-009	388-76-085	REP-P	96-06-040 96-06-040
388-11-430	NEW-P	96-06-039	388-55-050	NEW	96-05-009	388-76-087	REP-P	96-06-040
388-11-430	NEW	96-09-036	388-55-060	NEW	96-05-009	388-76-090	REP-P	96-06-040
388-15	PREP	96-06-009	388-70	PREP	96-12-015	388-76-095	REP-P	96-06-040
388-15	PREP	96-12-015	388-73	PREP	96-12-010	388-76-100	REP-P	96-06-040
388-15-030	AMD-P	96-13-107	388-73	PREP	96-12-015	388-76-110	REP-P	96-06-040
388-15-134	PREP	96-09-076	388-73-012	AMD-P	96-06-051	388-76-130	REP-P	96-06-040
388-15-145	AMD-P	96-06-014	388-73-012	AMD-E	96-07-079	388-76-140	REP-P	96-06-040
388-15-145	AMD	96-09-035	388-73-012	AMD	96-10-032	388-76-155	REP-P	96-06-040
388-15-196	AMD-P	96-13-107	388-73-014	AMD-P	96-06-051	388-76-160	REP-P	96-06 - 040
388-15-198 388-15-202	NEW-P AMD-P	96-13-107 96-13-107	388-73-014	AMD-E	96-07-079	388-76-170	REP-P	96-06-040
388-15-203	AMD-P AMD-P	96-13-107	388-73-014 388-73-01950	AMD AMD-P	96-10-032	388-76-180	REP-P	96-06-040
388-15-204	AMD-P	96-13-107	388-73-01950	AMD-P AMD-E	96-06-051 96-07-079	388-76-185 388-76-190	REP-P REP-P	96-06-040
388-15-206	AMD-P	96-13-107	388-73-01950	AMD-E	96-10-032	388-76-200	REP-P	96-06-040 96-06-040
388-15-209	AMD-P	96-13-107	388-73-020	AMD-P	96-06-051	388-76-220	REP-P	96-06-040
388-15-219	AMD-P	96-13-107	388-73-020	AMD-E	96-07-079	388-76-240	REP-P	96-06-040
388-15-610	AMD-P	96-13-107	388-73-020	AMD	96-10-032	388-76-250	REP-P	96-06-040
388-15-620	AMD-P	96-13-107	388-73-030	AMD-C	96-03-105	388-76-260	REP-P	96-06-040
388-15-690	AMD-P	96-13-107	388-73-030	AMD-S	96-05-061	388-76-280	REP-P	96-06-040
388-15-695	AMD-P	96-13-107	388-73-030	RESCIND	96-05-067	388-76-290	REP-P	96-06-040
388-15-700	AMD-P	96-13-107	388-73-030	AMD-E	96-05-068	388-76-300	REP-P	96-06-040
388-15-705 388-15-710	AMD-P AMD-P	96-13-107 96-13-107	388-73-030	AMD	96-10-043	388-76-310	REP-P	96-06-040
388-15-715	AMD-P	96-13-107	388-73-030 388-73-036	AMD-E AMD-S	96-10-054 96-05-061	388-76-320	REP-P	96-06-040
388-15-880	AMD-P	96-13-107	388-73-036	AMD-S AMD-E	96-05-068	388-76-325 388-76-330	REP-P REP-P	96-06-040
388-15-890	AMD-P	96-13-107	388-73-036	AMD	96-10-043	388-76-340	REP-P	96-06-040 96-06-040
388-15-900	REP-P	96-04-084	388-73-036	AMD-E	96-10-054	388-76-350	REP-P	96-06-040
388-15-900	REP	96-11-045	388-73-048	AMD-P	96-06-051	388-76-360	REP-P	96-06-040
388-15-905	REP-P	96-04-084	388-73-048	AMD-E	96-07-079	388-76-370	REP-P	96-06-040
388-15-905	REP	96-11-045	388-73-048	AMD	96-10-032	388-76-380	REP-P	96-06-040
388-15-910	REP-P	96-04-084	388-73-054	AMD-P	96-06-051	388-76-390	REP-P	96-06-040
388-15-910	REP	96-11-045	388-73-054	AMD-E	96-07-079	388-76-400	REP-P	96-06-040
388-15-915 388-15-915	REP-P REP	96-04-084 96-11-045	388-73-054	AMD	96-10-032	388-76-405	REP-P	96-06-040
388-15-920	REP-P	96-04-084	388-73-606 388-73-606	AMD-P	96-06-051	388-76-410	REP-P	96-06-040
388-15-920	REP	96-11-045	388-73-606	AMD-E AMD	96-07-079 96-10-032	388-76-420	REP-P	96-06-040
388-15-925	REP-P	96-04-084	388-73-800	AMD-P	96-10-032 96-06-051	388-76-430 388-76-435	REP-P	96-06-040
388-15-925	REP	96-11-045	388-73-800	AMD-E	96-07-079	388-76-440	REP-P REP-P	96-06-040 96-06-040
388-15-935	REP-P	96-04-084	388-73-800	AMD	96-10-032	388-76-450	REP-P	96-06-040
388-15-935	REP	96-11-045	388-73-803	NEW-P	96-06-051	388-76-460	REP-P	96-06-040
388-15-940	REP-P	96-04-084	388-73-803	NEW-E	96-07-079	388-76-465	REP-P	96-06-040
388-15-940	REP	96-11-045	388-73-803	NEW	96-10-032	388-76-467	REP-P	96-06-040
388-15-945	REP-P	96-04-084	388-73-805	NEW-P	96-06-051	388-76-470	REP-P	96-06-040
388-15-945	REP	96-11-045	388-73-805	NEW-E	96-07-079	388-76-475	REP-P	96-06-040
388-15-950	REP-P	96-04-084	388-73-805	NEW	96-10-032	388-76-480	REP-P	96-06-040
388-15-950	REP	96-11-045	388-73-815	AMD-P	96-06-051	388-76-490	REP-P	96-06-040
388-15-955	REP-P	96-04-084	388-73-815	AMD-E	96-07-079	388-76-500	REP-P	96-06-040
388-15-955 388-49-020	REP AMD-P	96-11-045	388-73-815	AMD	96-10-032	388-76-520	REP-P	96-06-040
388-49-020	AMD-P AMD	96-03-013 96-06-031	388-73-821 388-73-821	NEW-P	96-06-051	388-76-530	REP-P	96-06-040
388-49-160	PREP	96-07-094	388-73-821	NEW-E NEW	96-07-079 96-10-032	388-76-535	NEW-P	96-06-040
388-49-160	AMD-E	96-10-059	388-73-822	NEW-P	96-10-032 96-06-051	388-76-540 388-76-545	NEW-P	96-06-040
388-49-160	AMD-P	96-11-146	388-73-822	NEW-P NEW-E	96-06-031 96-07-079	388-76-545 388-76-550	NEW-P NEW-P	96-06-040
388-49-330	AMD-P	96-04-036	388-73-822	NEW-E	96-10-032	388-76-555	NEW-P NEW-P	96-06-040 96-06-040
388-49-330	AMD	96-07-053	388-73-823	NEW-P	96-06-051	388-76-560	NEW-P	96-06-040 96-06-040
388-49-410	AMD-P	96-04-008	388-73-823	NEW-E	96-07-079	388-76-565	NEW-P	96-06-040
								70-00-0 1 0

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-76-570	NEW-P	96-06-040	388-110-010	NEW-P	96-04-084	388-155-090	RESCIND	96-05-067
388-76-575	NEW-P	96-06-040	388-110-010	NEW	96-11-045	388-155-090	AMD-E	96-05-068
388-76-580	NEW-P	96-06-040	388-110-020	NEW-P	96-04-084	388-155-090	AMD	96-10-043
388-76-585	NEW-P	96-06-040	388-110-020	NEW	96-11-045	388-155-090	AMD-E	96-10-054
388-76-590	NEW-P	96-06-040	388-110-030	NEW-P	96-04-084	388-155-600	NEW-P	96-07-010
388-76-595	NEW-P	96-06-040	388-110-030	NEW	96-11-045	388-155-600	NEW D	96-10-042 96-07-010
388-76-600	NEW-P	96-06-040	388-110-040	NEW-P	96-04-084	388-155-605	NEW-P NEW	96-07-010
388-76-605	NEW-P	96-06-040	388-110-040	NEW	96-11-045	388-155-605 388-155-610	NEW-P	96-07-010
388-76-610	NEW-P	96-06-040	388-110-050	NEW-P NEW	96-04-084 96-11-045	388-155-610	NEW	96-10-042
388-76-615	NEW-P	96-06-040	388-110-050 388-110-060	NEW-P	96-04-084	388-155-620	NEW-P	96-07-010
388-76-620	NEW-P	96-06-040	388-110-060	NEW	96-11-045	388-155-620	NEW	96-10-042
388-76-625	NEW-P NEW-P	96-06-040 96-06-040	388-110-070	NEW-P	96-04-084	388-155-630	NEW-P	96-07-010
388-76-630 388-76-635	NEW-P	96-06-040	388-110-070	NEW	96-11-045	388-155-630	NEW	96-10-042
388-76-640	NEW-P	96-06-040	388-110-080	NEW-P	96-04-084	388-155-640	NEW-P	96-07-010
388-76-645	NEW-P	96-06-040	388-110-080	NEW	96-11-045	388-155-640	NEW	96-10-042
388-76-650	NEW-P	96-06-040	388-110-090	NEW-P	96-04-084	388-155-650	NEW-P	96-07-010
388-76-655	NEW-P	96-06-040	388-110-090	NEW	96-11-045	388-155-650	NEW	96-10-042
388-76-660	NEW-P	96-06-040	388-110-100	NEW-P	96-04-084	388-155-660	NEW-P	96-07-010
388-76-665	NEW-P	96-06-040	388-110-100	NEW	96-11-045	388-155-660	NEW NEW-P	96-10-042 96-07-010
388-76-670	NEW-P	96-06-040	388-110-110	NEW-P	96-04-084	388-155-670 388-155-670	NEW-P NEW	96-10-042
388-76-675	NEW-P	96-06-040	388-110-110	NEW	96-11-045	388-155-680	NEW-P	96-07-010
388-76-680	NEW-P	96-06-040	388-110-120	NEW-P	96-04-084 96-11-045	388-155-680	NEW	96-10-042
388-76-685	NEW-P	96-06-040	388-110-120	NEW NEW-P	96-04-084	388-160	PREP	96-05-057
388-76-690	NEW-P	96-06-040	388-110-140 388-110-140	NEW-P	96-11-045	388-160	PREP	96-12-010
388-76-695	NEW-P	96-06-040	388-110-150	NEW-P	96-04-084	388-160-050	PREP	96-05-057
388-76-700	NEW-P NEW-P	96-06-040 96-06-040	388-110-150	NEW	96-11-045	388-160-080	PREP	96-05-057
388-76-705	NEW-P	96-06-040	388-110-170	NEW-P	96-04-084	388-160-090	AMD-C	96-03-105
388-76-710 388-76-715	NEW-P	96-06-040	388-110-170	NEW	96-11-045	388-160-090	AMD-S	96-05-061
388-76-720	NEW-P	96-06-040	388-110-180	NEW-P	96-04-084	388-160-090	RESCIND	96-05-067
388-76-725	NEW-P	96-06-040	388-110-180	NEW	96-11-045	388-160-090	AMD-E	96-05-068
388-76-730	NEW-P	96-06-040	388-110-190	NEW-P	96-04-084	388-160-090	AMD	96-10-043
388-76-735	NEW-P	96-06-040	388-110-190	NEW	96-11-045	388-160-090	AMD-E	96-10-054 96-05-061
388-76-740	NEW-P	96-06-040	388-110-200	NEW-P	96-04-084	388-160-120	AMD-S AMD-E	96-05-068
388-76-745	NEW-P	96-06-040	388-110-200	NEW	96-11-045	388-160-120 388-160-120	AMD-E	96-10-043
388-76-750	NEW-P	96-06-040	388-110-210	NEW-P	96-04-084 96-11-045	388-160-120	AMD-E	96-10-054
388-76-755	NEW-P	96-06-040	388-110-210	NEW NEW-P	96-04-084	388-160-430	PREP	96-05-057
388-76-760	NEW-P	96-06-040	388-110-220 388-110-220	NEW-P	96-11-045	388-160-460	PREP	96-05-057
388-76-765	NEW-P	96-06-040 96-06-040	388-110-230	NEW-P	96-04-084	388-160-480	PREP	96-05-057
388-76-770	NEW-P NEW-P	96-06-040	388-110-230	NEW	96-11-045	388-160-490	PREP	96-05-057
388-76-775 388-76-780	NEW-P	96-06-040	388-110-240	NEW-P	96-04-084	388-160-500	PREP	96-05-057
388-76-785	NEW-P	96-06-040	388-110-240	NEW	96-11-045	388-200	PREP	96-07-041
388-76-790	NEW-P	96-06-040	388-110-250	NEW-P	96-04-084	388-200-1050	AMD-P	96-13-056
388-76-795	NEW-P	96-06-040	388-110-250	NEW	96-11-045	388-200-1100	AMD-P	96-13-056
388-86	PREP	96-07-042	388-110-260	NEW-P	96-04-084	388-200-1150	AMD-P	96-13-056
388-86	PREP	96-07-043	388-110-260	NEW	96-11-045	388-200-1160	AMD-P	96-13-056
388-86	PREP	96-07-044	388-110-270	NEW-P	96-04-084	388-200-1300	PREP	96-07-041 96-13-056
388-86	PREP	96-07-045	388-110-270	NEW	96-11-045	388-200-1300	NEW-P	96-13-030
388-86	PREP	96-12-015	388-110-280	NEW-P	96-04-084	388-200-1350	PREP NEW-P	96-13-056
388-87	PREP	96-07-042	388-110-280	NEW	96-11-045 96-12-010	388-200-1350 388-201-200	AMD-P	96-04-034
388-87	PREP	96-07-043	388-150	PREP AMD-C	96-03-105	388-201-200	AMD	96-07-021
388-87	PREP	96-07-044	388-150-090	AMD-S	96-05-061	388-201-300	AMD-P	96-04-034
388-87	PREP	96-07-045	388-150-090 388-150-090	RESCIND	96-05-067	388-201-300	AMD	96-07-021
388-87-020	PREP	96-08-091 96-07-024	388-150-090	AMD-E	96-05-068	388-201-400	AMD-P	96-04-034
388-96	PREP AMD-P	96-11-010	388-150-090	AMD	96-10-043	388-201-400	AMD	96-07-021
388-96-221	AMD-P	96-11-010	388-150-090	AMD-E	96-10-054	388-201-410	AMD-P	96-04-034
388-96-534 388-96-585	AMD-P	96-11-010	388-151	PREP	96-12-010	388-201-410	AMD	96-07-021
388-96-708	NEW-P	96-11-010	388-151-090	AMD-C	96-03-105	388-201-420	AMD-P	96-04-034
388-96-735	AMD-P	96-11-010	388-151-090	AMD-S	96-05-061	388-201-420	AMD	96-07-021
388-96-745	AMD-P	96-11-010	388-151-090	RESCIND	96-05-067	388-201-430	AMD-P	96-04-034
388-96-762	AMD-P	96-11-010	388-151-090	AMD-E	96-05-068	388-201-430	AMD	96-07-021
388-96-774	AMD-P	96-11-010	388-151-090	AMD	96-10-043	388-201-440	AMD-P	96-04-034
388-96-776	AMD-P	96-11-010	388-151-090	AMD-E	96-10-054	388-201-440	AMD	96-07-021
388-96-810	AMD-P	96-11-010	388-155	PREP	96-12-010	388-201-450	AMD-P	96-04-034 96-07-021
388-96-904	AMD-P	96-11-010	388-155-060	AMD-P	96-07-010	388-201-450	AMD AMD-P	96-07-021
388-110	NEW-C	96-09-032	388-155-060	AMD	96-10-042	388-201-460		96-04-034
	NIDW C	96-10 - 010	388-155-070	AMD-P	96-07-010	388-201-460	AMD	
388-110	NEW-C				06 10 042	388 201 470	AMDD	Q6_04_03 <i>A</i>
388-110	NEW-C	96-10-077	388-155-070	AMD	96-10-042 96-03-105	388-201-470 388-201-470	AMD-P AMD	96-04-034 96-07-021
					96-10-042 96-03-105 96-05-061	388-201-470 388-201-470 388-201-480	AMD-P AMD AMD-P	96-04-034 96-07-021 96-04-034

WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
388-201-480	AMD	96-07-021	388-513-1315	AMD	96-11-072	390-16-055	AMD	96-05-001
388-215-1390	PREP	96-03-096	388-513-1320	AMD-P	96-08-037	390-16-190	NEW	96-04-020
388-215-1390	AMD-E	96-04-001	388-513-1320	AMD	96-11-072	390-16-310	AMD	96-05-001
388-215-1390	AMD-P	96-07-009	388-513-1350	AMD-P	96-06-010	390-16-313	NEW-P	96-05-073
388-215-1390	AMD	96-10-045	388-513-1350	AMD-E	96-08-020	390-16-313	NEW	96-09-016
388-215-1600	AMD-P	96-03-099	388-513-1350	AMD	96-09-033	390-16-314	NEW-P	96-05-073
388-215-1600	AMD	96-06-045	388-513-1360	PREP	96-04-055	390-16-314	NEW	96-09-016
388-215-1610 388-215-1610	AMD-P	96-03-099	388-513-1360	AMD-P	96-09-079	390-17-017	AMD	96-05-001
388-218-1510	AMD AMD	96-06-045 96-03-040	388-513-1360 388-513-1365	AMD PREP	96-12-002 96-05-034	390-17-030 390-17-050	AMD REP-P	96-05-001 96-05-073
388-219-3000	AMD-P	96-07-014	388-513-1380	AMD-P	96-06-010	390-17-050	REP	96-09-016
388-219-3000	AMD-E	96-09-075	388-513-1380	AMD-F	96-08-020	390-17-050	REP-P	96-05-073
388-219-3000	AMD	96-10-031	388-513-1380	AMD	96-09-033	390-17-052	REP	96-09-016
388-235-5050	PREP	96-08-041A	388-513-1380	PREP	96-11-105	390-17-060	AMD	96-05-001
388-235-5050	AMD-P	96-13-066	388-513-1395	AMD-E	96-10-033	390-17-065	AMD	96-05-001
388-235-7500	AMD-P	96-13-056	388-513-1395	PREP	96-10-034	390-17-310	AMD	96-05-001
388-245-1170	AMD-P	96-13-056	388-515-1505	PREP	96-03-098	390-17-315	AMD	96-05-001
388-245-1300	AMD-P	96-13-056	388-515-1505	AMD-P	96-11-012	390-17-320	AMD	96-05-001
388-245-1350	AMD-P	96-13-056	388-517-1720	PREP	96-08-019	390-20-052	AMD	96-05-001
388-245-1700	AMD-P	96-13-056	388-517-1720	AMD-E	96-08-021	390-24-010	AMD-S	96-05-074
388-245-1715	AMD-P	96-13-056	388-517-1720	AMD-P	96-12-009	390-24-010	AMD	96-09-017
388-245-1720 388-245-2020	AMD-P AMD-P	96-13-056	388-517-1740	PREP	96-08-019	390-24-020	AMD-S	96-05-074
388-245-2020	AMD-P AMD	96-04-035 96-07-025	388-517-1740 388-517-1740	AMD-E AMD-P	96-08-021 96-12-009	390-24-020	AMD	96-09-017 96-03-135
388-250-1400	AMD	96-04-002	388-517-1760	PREP	96-12-009 96-08-019	391-08-001 391-08-001	AMD-P AMD	96-03-135
388-250-1700	AMD-P	96-07-008	388-517-1760	AMD-E	96-08-021	391-08-030	AMD-P	96-03-135
388-250-1700	AMD-E	96-10-030	388-517-1760	AMD-P	96-12-009	391-08-030	AMD-F AMD	96-07-105
388-250-1700	AMD	96-10-044	388-518-1805	AMD-E	96-10-033	391-08-040	AMD-P	96-03-135
388-265-1250	AMD-P	96-13-056	388-518-1805	PREP	96-10-034	391-08-040	AMD	96-07-105
388-270-1125	PREP	96-06-008	388-518-1810	AMD-E	96-10-033	391-08-120	AMD-P	96-03-135
388-270-1125	AMD-P	96-11-127	388-518-1810	PREP	96-10-034	391-08-120	AMD	96-07-105
388-290	PREP	96-11-047	388-518-1820	AMD-P	96-04-037	391-08-180	AMD-P	96-03-135
388-290-135	AMD-P	96-06-026	388-518-1820	AMD	96-07-023	391-08-180	AMD	96-07-105
388-290-135	AMD	96-09-058	388-519-1905	PREP	96-07-004	391-08-650	NEW-P	96-03-135
388-301 388-330	PREP	96-11-047	388-519-1905	AMD-E	96-10-033	391-08-650	NEW	96-07-105
388-330-010	PREP AMD-C	96-12-010 96-03-105	388-519-1905 388-519-1910	PREP PREP	96-10-034 96-04-056	391-08-670 391-08-670	NEW-P	96-03-135
388-330-010	AMD-S	96-05-061	388-519-1910	AMD-P	96-11-011	391-08-820	NEW AMD-P	96-07-105 96-03-135
388-330-010	RESCIND	96-05-067	388-519-1930	PREP	96-04-056	391-08-820	AMD-F	96-07-105
388-330-010	AMD-E	96-05-068	388-519-1930	AMD-P	96-11-011	391-25-001	AMD-P	96-03-135
388-330-010	AMD	96-10-043	388-521-2106	PREP	96-11-071	391-25-001	AMD	96-07-105
388-330-010	AMD-E	96-10-054	388-522-2230	PREP	96-07-004	391-25-011	NEW-P	96-03-135
388-330-035	NEW-C	96-03-105	388-522-2230	AMD-E	96-10-033	391-25-011	NEW	96-07-105
388-330-035	NEW-S	96-05-061	388-522-2230	PREP	96-10-034	391-25-030	AMD-P	96-03-135
388-330-035	RESCIND	96-05-067	388-528-2810	PREP	96-04-024	391-25-030	AMD	96-07-105
388-330-035	NEW-E	96-05-068	388-530-1950	NEW-P	96-05-087	391-25-050	AMD-P	96-03-135
388-330-035 388-330-035	NEW E	96-10-043	388-530-1950	NEW	96-08-018	391-25-050	AMD	96-07-105
388-500	NEW-E PREP	96-10-054 96-12-015	388-531 388-535	PREP	96-07-045	391-25-070	AMD-P	96-03-135
388-501-0130	AMD-P	96-03-066	388-535-1000	PREP PREP	96-08-030 96-08-031	391-25-070 391-25-090	AMD AMD-P	96-07-105
388-501-0130	AMD	96-06-041	388-535-1100	PREP	96-08-031	391-25-090	AMD-P	96-03-135 96-07-105
388-503-0310	PREP	96-04-025	388-538	PREP	96-10-011	391-25-110	AMD-P	96-03-135
388-503-0310	AMD-P	96-09-077	388-538-050	PREP	96-13-003	391-25-110	AMD	96-07-105
388-503-0310	AMD	96-12-001	388-538-070	PREP	96-13-003	391-25-130	AMD-P	96-03-135
388-505-0520	AMD-P	96-10-012	388-538-080	PREP	96-08-032	391-25-130	AMD	96-07-105
388-505-0520	AMD-E	96-10-053	388-543	PREP	96-07-042	391-25-140	AMD-P	96-03-135
388-505-0520	AMD	96-13-002	388-546	PREP	96-07-043	391-25-140	AMD	96-07-105
388-505-0540	PREP	96-08-091	388-550	PREP	96-07-044	391-25-170	AMD-P	96-03-135
388-507-0710	AMD-P	96-06-010	390-05-190	AMD-P	96-05-072	391-25-170	AMD	96-07-105
388-507-0710 388-507-0710	AMD-E	96-08-036	390-05-190	AMD	96-09-015	391-25-190	AMD-P	96-03-135
388-507-0740	AMD AMD-P	96-09-033 96-04-037	390-05-200	AMD	96-05-001	391-25-190	AMD	96-07-105
388-507-0740	AMD-P	96-04-037	390-05-205 390-05-210	AMD AMD-P	96-05-001 96-05-072	391-25-220	AMD-P	96-03-135
388-508-0805	PREP	96-08-019	390-05-210	AMD-P AMD	96-03-072 96-09-015	391-25-220 391-25-230	AMD AMD-P	96-07-105 96-03-135
388-508-0805	AMD-E	96-08-021	390-05-245	NEW-P	96-05-072	391-25-230	AMD-P AMD	96-03-135 96-07-105
388-508-0805	AMD-P	96-12-009	390-05-245	NEW-P	96-09-015	391-25-250	AMD-P	96-07-105
388-509-0920	PREP	96-05-035	390-05-400	NEW	96-04-021	391-25-250	AMD-F	96-07-105
388-509-0920	AMD-E	96-08-021	390-13-010	AMD	96-05-001	391-25-350	AMD-P	96-03-135
388-509-0920	AMD-P	96-12-009	390-16-034	AMD	96-05-001	391-25-350	AMD	96-07-105
388-509-0960	AMD-E	96-08-021	390-16-037	AMD	96-05-001	391-25-370	AMD-P	96-03-135
388-509-0960	AMD-P	96-12-009	390-16-038	AMD-P	96-05-073	391-25-370	AMD	96-07-105
200 F11 114A	AMD	96-05-010	390-16-038	AMD	96-09-016	391-25-391	AMD-P	96-03-135
388-511-1140 388-513-1315	AMD-P	96-08-037	390-16-041	AMD-E	96-13-084	391-25-391	AMD-F	90-03-133

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
						202 100 065	AMD	96-08-001
391-25-410	AMD-P	96-03-135	391-55-220	AMD	96-07-105	392-109-065 392-109-070	AMD-P	96-04-033
391-25-410	AMD	96-07-105	391-55-225	AMD-P	96-03-135 96-07-105	392-109-070	AMD	96-08-001
391-25-430	AMD-P	96-03-135	391-55-225	AMD AMD-P	96-03-135	392-109-072	AMD-P	96-04-033
391-25-430	AMD	96-07-105	391-55-230 391-55-230	AMD-F	96-07-105	392-109-072	AMD	96-08-001
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391-25-490 391-25-510	AMD-P	96-03-135	391-55-240	AMD	96-07-105	392-109-090	AMD	96-08-001
391-25-510	AMD	96-07-105	391-55-245	AMD-P	96-03-135	392-109-100	AMD-P	96-04-033
391-25-550	AMD-P	96-03-135	391-55-245	AMD	96-07-105	392-109-100	AMD	96-08-001 96-04-033
391-25-550	AMD	96-07-105	391-55-255	AMD-P	96-03-135	392-109-105	AMD-P	96-04-033
391-25-590	AMD-P	96-03-135	391-55-255	AMD	96-07-105	392-109-105	AMD AMD-P	96-04-033
391-25-590	AMD	96-07-105	391-55-260	REP-P	96-03-135	392-109-120 392-109-120	AMD-I AMD	96-08-001
391-35-001	AMD-P	96-03-135	391-55-260	REP	96-07-105 96-03-135	392-120	PREP	96-06-061
391-35-001	AMD	96-07-105	391-55-315	AMD-P AMD	96-07-105	392-121-435	NEW	96-03-001
391-35-010	AMD-P	96-03-135	391-55-315 391-55-345	AMD-P	96-03-135	392-122-100	AMD	96-03-002
391-35-010	AMD	96-07-105 96-03-135	391-55-345	AMD	96-07-105	392-122-105	AMD	96-03-002
391-35-020	AMD-P AMD	96-03-133	391-55-360	REP-P	96-03-135	392-122-106	AMD	96-03-002
391-35-020	AMD-P	96-03-135	391-55-360	REP	96-07-105	392-122-107	AMD	96-03-002
391-35-030 391-35-030	AMD-F	96-07-105	391-55-400	REP-P	96-03-135	392-122-110	AMD	96-03-002
391-35-050	AMD-P	96-03-135	391-55-400	REP	96-07-105	392-122-120	AMD	96-03-002
391-35-050	AMD	96-07-105	391-55-410	REP-P	96-03-135	392-122-130	AMD	96-03-002 96-03-002
391-35-080	AMD-P	96-03-135	391-55-410	REP	96-07-105	392-122-131	AMD	96-03-002
391-35-080	AMD	96-07-105	391-55-415	REP-P	96-03-135	392-122-132	AMD AMD	96-03-002
391-35-110	AMD-P	96-03-135	391-55-415	REP	96-07-105	392-122-135 392-122-140	AMD	96-03-002
391-35-110	AMD	96-07-105	391-55-420	REP-P	96-03-135 96-07-105	392-122-145	AMD	96-03-002
391-35-170	AMD-P	96-03-135	391-55-420	REP REP-P	96-03-135	392-122-150	AMD	96-03-002
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391-35-300	NEW-P	96-03-135	391-55-425 391-55-430	REP-P	96-03-135	392-122-160	AMD	96-03-002
391-35-300	NEW	96-07-105 96-03-135	391-55-430	REP	96-07-105	392-122-165	AMD	96-03-002
391-35-310	NEW-P	96-03-133	391-55-435	REP-P	96-03-135	392-122-166	NEW	96-03-002
391-35-310	NEW AMD-P	96-03-135	391-55-435	REP	96-07-105	392-122-710	AMD	96-03-002
391-45-001 391-45-001	AMD-1	96-07-105	391-55-440	REP-P	96-03-135	392-122-805	AMD	96-03-002
391-45-030	AMD-P	96-03-135	391-55-440	REP	96-07-105	392-122-900	AMD	96-03-002
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391-45-050	AMD-P	96-03-135	391-55-445	REP	96-07-105	392-123-054	AMD B	96-05-031
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391-45-130	AMD	96-07-105	391-65-030 391-65-030	AMD	96-07-105	392-127-011	AMD	96-05-022
391-45-170	AMD-P	96-03-135	391-65-050	AMD-P	96-03-135	392-127-015	AMD-P	96-02-077
391-45-170	AMD	96-07-105 96-03-135	391-65-050	AMD	96-07-105	392-127-015	AMD	96-05-022
391-45-190 391-45-190	AMD-P AMD	96-07-105	391-65-110	AMD-P	96-03-135	392-127-020	AMD-P	96-02-077
391-45-260	AMD-P	96-03-135	391-65-110	AMD	96-07-105	392-127-020	AMD _	96-05-022
391-45-260	AMD	96-07-105	391-65-130	AMD-P	96-03-135	392-127-050	AMD-P	96-02-077
391-45-270	AMD-P	96-03-135	391-65-130	AMD	96-07-105	392-127-050	AMD	96-05-022
391-45-270	AMD	96-07-105	391-95-001	AMD-P	96-03-135	392-127-055	AMD-P	96-02-077
391-45-290	AMD-P	96-03-135	391-95-001	AMD	96-07-105	392-127-055	AMD AMD-P	96-05-022 96-02-077
391-45-290	AMD	96-07-105	391-95-090	AMD-P	96-03-135	392-127-060	AMD-F	96-05-022
391-45-330	AMD-P	96-03-135	391-95-090	AMD	96-07-105 96-03-135	392-127-060 392-127-070	AMD-P	96-02-077
391-45-330	AMD	96-07-105	391-95-110	AMD-P	96-03-133 96-07-105	392-127-070	AMD	96-05-022
391-45-431	REP-P	96-03-135	391-95-110	AMD AMD-P	96-03-135	392-127-080	AMD-P	96-02-077
391-45-431	REP	96-07-105	391-95-170	AMD-F	96-07-105	392-127-080	AMD	96-05-022
391-55-002	AMD-P	96-03-135	391-95-170 391-95-230	AMD-P	96-03-135	392-127-090	AMD-P	96-02-077
391-55-002	AMD	96-07-105 96-03-135	391-95-230	AMD	96-07-105	392-127-090	AMD	96-05-022
391-55-010	AMD-P AMD	96-03-133 96-07-105	391-95-260	AMD-P	96-03-135	392-140-450	AMD-P	96-02-078
391-55-010	AMD-P	96-07-103	391-95-260	AMD	96-07-105	392-140-450	AMD	96-05-021
391-55-090 391-55-090	AMD-P	96-07-105	391-95-270	AMD-P	96-03-135	392-140-461	AMD-P	96-02-078
391-55-200	AMD-P	96-03-135	391-95-270	AMD	96-07-105	392-140-461	AMD	96-05-021
391-55-200	AMD	96-07-105	392-101-010	PREP	96-07-036	392-140-462	AMD-P	96-02-078
391-55-205	AMD-P	96-03-135	392-109-040	AMD-P	96-04-033	392-140-462	AMD	96-05-021
391-55-205	AMD	96-07-105	392-109-040	AMD	96-08-001	392-140-470	AMD-P	96-02-078
391-55-210	AMD-P	96-03-135	392-109-047	AMD-P	96-04-033	392-140-470	AMD	96-05-021
391-55-210	AMD	96-07-105	392-109-047	AMD	96-08-001	392-140-476	AMD-P	96-02-078 96-05-021
391-55-215	AMD-P	96-03-135	392-109-058	AMD-P	96-04-033	392-140-476 392-140-480	AMD AMD-P	96-02-078
391-55-215	AMD	96-07-105	392-109-058	AMD	96-08-001 96-04-033	392-140-480	AMD-P	96-05-021
391-55-220	AMD-P	96-03-135	392-109-065	AMD-P	70-04-033	1 374-140-400	AMD	
				F 27 1				Table

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WAC#		WSR #	WAC#		WSR#	WAC#		WSR #
392-140-483	AMD-P	96-02-078	415 09 420	AMD	06.11.026	415 (40 010	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	24.42.42
392-140-483 392-140-483	AMD-P AMD	96-05-021	415-08-420 415-104-0125	AMD NEW	96-11-036	415-640-010	NEW-P	96-13-100
392-140-483	AMD-P	96-02-078	415-104-0125	AMD	96-04-003 96-03-100	415-640-020 415-640-030	NEW-P	96-13-100
392-140-490	AMD	96-05-021	415-108-340	AMD	96-03-100	415-650-010	NEW-P NEW-P	96-13-100 96-13-100
392-140-491	AMD-P	96-02-078	415-112-040	AMD	96-03-100	415-650-020	NEW-P	96-13-100
392-140-491	AMD	96-05-021	415-501-010	NEW-P	96-13-100	415-650-030	NEW-P	96-13-100
392-140-492	AMD-P	96-02-078	415-501-020	NEW-P	96-13-100	415-650-040	NEW-P	96-13-100
392-140-492	AMD	96-05-021	415-504-010	NEW-P	96-13-100	415-650-050	NEW-P	96-13-100
392-140-494	AMD-P	96-02-078	415-504-020	NEW-P	96-13-100	415-660-010	NEW-P	96-13-100
392-140-494	AMD	96-05-021	415-504-030	NEW-P	96-13-100	415-660-020	NEW-P	96-13-100
392-140-497	AMD-P	96-02-078	415-504-040	NEW-P	96-13-100	415-670-010	NEW-P	96-13-100
392-140-497	AMD	96-05-021	415-504-050	NEW-P	96-13-100	415-680-010	NEW-P	96-13-100
392-141	PREP	96-09-067	415-504-060	NEW-P	96-13-100	415-680-020	NEW-P	96-13-100
392-141-115	AMD-P	96-11-137	415-504-070	NEW-P	96-13-100	415-680-030	NEW-P	96-13-100
392-141-125	REP-P	96-11-137	415-504-080	NEW-P	96-13-100	415-680-040	NEW-P	96-13-100
392-141-135	AMD-P	96-11-137	415-504-090	NEW-P	96-13-100	415-680-050	NEW-P	96-13-100
392-141-140 392-141-151	AMD-P	96-11-137	415-504-100	NEW-P	96-13-100	415-680-060	NEW-P	96-13-100
392-141-151	REP-P AMD-P	96-11-137 96-11-137	415-504-110	NEW-P	96-13-100	415-680-070	NEW-P	96-13-100
392-141-153	AMD-P	96-11-137	415-508-010	NEW-P	96-13-100	415-690-010	NEW-P	96-13-100
392-141-170	AMD-P	96-11-137	415-508-020 415-508-030	NEW-P	96-13-100	415-695-010	NEW-P	96-13-100
392-141-175	REP-P	96-11-137	415-508-040	NEW-P	96-13-100	415-695-020	NEW-P	96-13-100
392-141-176	REP-P	96-11-137	415-508-050	NEW-P NEW-P	96-13-100 96-13-100	415-695-030	NEW-P	96-13-100
392-141-185	AMD-P	96-11-137	415-512-010	NEW-P	96-13-100	415-695-040 419-18	NEW-P	96-13-100
392-142	PREP	96-09-068	415-512-015	NEW-P	96-13-100	419-18-020	PREP DECOD	96-03-037
392-142-155	AMD-P	96-11-138	415-512-020	NEW-P	96-13-100	419-18-030	DECOD	96-06-011 96-06-011
392-143	PREP	96-09-069	415-512-030	NEW-P	96-13-100	419-18-040	DECOD	96-06-011
392-143-010	AMD-P	96-11-139	415-512-040	NEW-P	96-13-100	419-18-045	DECOD	96-06-011
392-153	PREP	96-11-108	415-512-050	NEW-P	96-13-100	419-18-050	DECOD	96-06-011
392-162	PREP	96-13-033	415-512-070	NEW-P	96-13-100	419-18-060	DECOD	96-06-011
392-196	PREP	96-11-140	415-512-075	NEW-P	96-13-100	419-18-070	DECOD	96-06-011
392-320	PREP	96-07-050	415-512-080	NEW-P	96-13-100	419-18-080	DECOD	96-06-011
392-320-005	AMD-P	96-12-075	415-512-085	NEW-P	96-13-100	419-36-010	DECOD	96-06-011
392-320-015	AMD-P	96-12-075	415-512-086	NEW-P	96-13-100	419-36-020	DECOD	96-06-011
392-320-025	AMD-P	96-12-075	415-512-087	NEW-P	96-13-100	419-36-030	DECOD	96-06-011
392-320-040	AMD-P	96-12-075	415-512-090	NEW-P	96-13-100	419-36-040	DECOD	96-06-011
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392-320-050 415	AMD-P PREP	96-12-075 96-06-079	415-524-010	NEW-P	96-13-100	419-36-060	DECOD	96-06-011
415-02-099	REP	96-03-100	415-528-010 415-532-010	NEW-P NEW-P	96-13-100	419-36-070	DECOD	96-06-011
415-04	AMD-P	96-13-100	415-532-020	NEW-P	96-13-100 96-13-100	419-36-080 419-36-090	DECOD	96-06-011
415-04-010	AMD-P	96-13-100	415-536-010	NEW-P	96-13-100	419-30-090	DECOD DECOD	96-06-011
415-04-020	AMD-P	96-13-100	415-540-010	NEW-P	96-13-100	419-40-010	DECOD	96-06-011 96-06-011
415-04-030	NEW-P	96-13-100	415-544-010	NEW-P	96-13-100	419-40-030	DECOD	96-06-011
415-04-040	NEW-P	96-13-100	415-548-010	NEW-P	96-13-100	419-40-040	DECOD	96-06-011
415-04-050	NEW-P	96-13-100	415-552-010	NEW-P	96-13-100	419-40-050	DECOD	96-06-011
415-08-010	AMD-P	96-07-080	415-556-010	NEW-P	96-13-100	419-44-010	DECOD	96-06-011
415-08-010	AMD .	96-11-036	415-560-010	NEW-P	96-13-100	419-64-010	DECOD	96-06-011
415-08-020	AMD-P	96-07-080	415-564-010	NEW-P	96-13-100	419-64-020	DECOD	96-06-011
415-08-020	AMD	96-11-036	415-564-020	NEW-P	96-13-100	419-64-030	DECOD	96-06-011
415-08-023	NEW-P	96-07-080	415-564-030	NEW-P	96-13-100	419-64-040	DECOD	96-06-011
415-08-023	NEW	96-11-036	415-564-040	NEW-P	96-13-100	419-64-050	DECOD	96-06-011
415-08-025	AMD-P	96-07-080	415-564-050	NEW-P	96-13-100	419-64-060	DECOD	96-06-011
415-08-025	AMD	96-11-036	415-564-060	NEW-P	96-13-100	419-64-070	DECOD	96-06-011
415-08-027 415-08-027	NEW-P	96-07-080	415-568-010	NEW-P	96-13-100	419-64-080	DECOD	96-06-011
415-08-027 415-08-030	NEW AMD-P	96-11-036 96-07-080	415-568-020	NEW-P	96-13-100	419-64-090	DECOD	96-06-011
415-08-030 415-08-030	AMD-F	96-11-036	415-610-010	NEW-P	96-13-100	419-72-010	DECOD	96-06-011
115-08-040	AMD-P	96-07-080	415-610-015 415-610-020	NEW-P NEW-P	96-13-100 96-13-100	419-72-012	DECOD	96-06-011
115-08-040	AMD	96-11-036	415-610-020	NEW-P	96-13-100	419-72-015	DECOD	96-06-011
115-08-050	AMD-P	96-07-080	415-620-010	NEW-P	96-13-100	419-72-015	PREP	96-09-005
115-08-050	AMD	96-11-036	415-620-015	NEW-P	96-13-100	419-72-020	DECOD	96-06-011
115-08-080	AMD-P	96-07-080	415-620-020	NEW-P	96-13-100	419-72 - 025 419-72-041	DECOD DECOD	96-06-011
115-08-080	AMD	96-11-036	415-620-025	NEW-P	96-13-100	419-72-041	DECOD	96-06-011
115-08-090	AMD-P	96-07-080	415-620-030	NEW-P	96-13-100	419-72-043	DECOD	96-06-011 96-06-011
115-08-090	AMD	96-11 - 036	415-620-035	NEW-P	96-13-100	419-72-060	DECOD	96-06-011
115-08-100	AMD-P	96-07-080	415-620-040	NEW-P	96-13-100	419-72-065	DECOD	96-06-011
415-08-100	AMD	96-11-036	415-620-045	NEW-P	96-13-100	419-72-003	DECOD	96-06-011
115-08-105	AMD-P	96-07-080	415-620-050	NEW-P	96-13-100	419-72-075	DECOD	96-06-011
115-08-105	AMD	96-11-036	415-620-055	NEW-P	96-13-100	419-72-080	DECOD	96-06-011
15-08-280	AMD-P	96-07-080	415-630-010	NEW-P	96-13-100	419-80-010	DECOD	96-06-011
415-08-280	AMD	96-11-036	415-630-020	NEW-P	96-13-100	419-80-020	DECOD	96-06-011
415-08-420	AMD-P	96-07-080	415-630-030	NEW-P	96-13-100	419-80-030	DECOD	96-06-011

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WAC #		WSR #	WAC#		WSR #	WAC#		WSR #
	DECOD	96-06-011	434-75-240	DECOD	96-03-141	434-219-230	RECOD	96-03-141
419-80-040	DECOD	96-06-011	434-75-250	AMD-E	96-03-140	434-219-240	RECOD	96-03-141
419-80-050 419-80-060	DECOD	96-06-011	434-75-250	AMD	96-03-141	434-219-250	RECOD	96-03-141
419-80-070	DECOD	96-06-011	434-75-250	DECOD	96-03-141	434-219-260	RECOD	96-03-141
434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140	434-219-270	RECOD	96-03-141
434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141	434-219-280	RECOD	96-03-141 96-03-141
434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141	434-219-290	RECOD RECOD	96-03-141
434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140	434-219-310	RECOD	96-03-141
434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141	434-219-320 434-219-330	RECOD	96-03-141
434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141 96-03-140	434-219-340	RECOD	96-03-141
434-75-030	AMD-E	96-03-140	434-75-280	AMD-E AMD	96-03-141	434-219-350	RECOD	96-03-141
434-75-030	AMD	96-03-141	434-75-280 434-75-280	DECOD	96-03-141	440-22	PREP	96-08-079
434-75-030	DECOD	96-03-141 96-03-140	434-75-290	AMD-E	96-03-140	440-22	PREP	96-12-015
434-75-040	AMD-E AMD	96-03-141	434-75-290	AMD	96-03-141	440-22-005	AMD-P	96-09-078
434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141	440-22-005	AMD-C	96-12-033
434-75-040 434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140	440-22-406	NEW-P	96-09-078
434-75-050	AMD-L AMD	96-03-141	434-75-300	REP	96-03-141	440-22-406	NEW-C	96-12-033
434-75-050	DECOD	96-03-141	434-75-310	AMD-E	96-03-140	440-22-408	NEW-P	96-09-078
434-75-060	AMD-E	96-03-140	434-75-310	AMD	96-03-141	440-22-408	NEW-C	96-12-033 96-13-101
434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141	440-26-005	NEW-P	96-13-101
434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140	440-26-010	NEW-P NEW-P	96-13-101
434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141	440-26-020	NEW-P	96-13-101
434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141 96-03-140	440-26-030 440-26-100	NEW-P	96-13-101
434-75-070	DECOD	96-03-141	434-75-330	AMD-E AMD	96-03-141	440-26-110	NEW-P	96-13-101
434-75-080	AMD-E	96-03-140	434-75-330	DECOD	96-03-141	440-26-120	NEW-P	96-13-101
434-75-080	AMD	96-03-141	434-75-330 434-75-340	AMD-E	96-03-141	440-26-130	NEW-P	96-13-101
434-75-080	DECOD	96-03-141 96-03-140	434-75-340	AMD AMD	96-03-141	440-26-140	NEW-P	96-13-101
434-75-090	AMD-E	96-03-141	434-75-340	DECOD	96-03-141	440-26-160	NEW-P	96-13-101
434-75-090	AMD DECOD	96-03-141	434-75-350	AMD-E	96-03-140	440-26-200	NEW-P	96-13-101
434-75-090 434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141	440-26-205	NEW-P	96-13-101
434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141	440-26-210	NEW-P	96-13-101
434-75-100	DECOD	96-03-141	434-120-100	AMD-P	96-05-089	440-26-220	NEW-P	96-13-101
434-75-110	AMD-E	96-03-140	434-120-100	AMD	96-10-021	440-26-230	NEW-P	96-13-101
434-75-110	AMD	96-03-141	434-120-105	AMD-P	96-05-089	440-26-240	NEW-P	96-13-101 96-13-101
434-75-110	DECOD	96-03-141	434-120-130	AMD-P	96-05-089	440-26-250	NEW-P	96-11-069
434-75-120	AMD-E	96-03-140	434-120-130	AMD	96-10-021	446-20-290 446-20-290	REP-E PREP	96-11-009
434-75-120	AMD	96-03-141	434-120-140	AMD-P	96-05-089	446-20-600	NEW-E	96-11-069
434-75-120	DECOD	96-03-141	434-120-140	AMD AMD-P	96-10-021 96-05-089	446-20-600	PREP	96-11-070
434-75-130	AMD-E	96-03-140	434-120-225 434-120-225	AMD-F AMD	96-10-021	446-20-610	NEW-E	96-11-069
434-75-130	AMD	96-03-141 96-03-141	434-120-225	AMD-P	96-05-089	446-20-610	PREP	96-11-070
434-75-130	DECOD	96-03-141	434-120-300	AMD-P	96-05-088	446-20-620	NEW-E	96-11-069
434-75-140	AMD-E AMD	96-03-141	434-120-300	AMD	96-08-049	446-20-620	PREP	96-11-070
434-75-140 434-75-140	DECOD	96-03-141	434-120-335	AMD-P	96-05-088	446-20-630	NEW-E	96-11 - 069
434-75-150	AMD-E	96-03-140	434-120-335	AMD	96-08-049	446-20-630	PREP	96-11-070
434-75-150	AMD	96-03-141	434-166-260	AMD-P	96-07-069	458-20-12401	NEW-P	96-06-056
434-75-150	DECOD	96-03-141	434-166-260	AMD	96-10-052	458-20-12401	NEW-P	96-09-087
434-75-160	AMD-E	96-03-140	434-166-280	AMD-P	96-07-069	458-20-12401	NEW-E	96-10-020
434-75-160	AMD	96-03-141	434-166-280	AMD	96-10-052	458-20-13601	PREP	96-08-040 96-07-097
434-75-160	DECOD	96-03-141	434-166-290	AMD-P	96-07-069	458-20-14601	PREP AMD-P	96-06-057
434-75-170	REP-E	96-03-140	434-166-290	AMD	96-10-052	458-20-199 458-20-199	AMD-P	96-10-040
434-75-170	REP	96-03-141	434-219-010	RECOD	96-03-141	458-20-199	AMD-C	96-12-024
434-75-180	AMD-E	96-03-140	434-219-020	RECOD	96-03-141 96-03-141	458-20-211	AMD	96-03-139
434-75-180	AMD	96-03-141	434-219-030	RECOD RECOD	96-03-141	458-20-211	AMD	96-05-080
434-75-180	DECOD	96-03-141	434-219-040 434-219-050	RECOD	96-03-141	458-40-660	PREP	96-06-058
434-75-190	AMD-E	96-03-140	434-219-060	RECOD	96-03-141	458-40-660	AMD-P	96-10-075
434-75-190	AMD	96-03-141 96-03-141	434-219-000	RECOD	96-03-141	458-53-010	AMD	96-05-002
434-75-190	DECOD REP-E	96-03-140	434-219-080	RECOD	96-03-141	458-53-020	AMD	96-05-002
434-75-200	REP-E REP	96-03-141	434-219-090	RECOD	96-03-141	458-53-030	AMD	96-05-002
434-75-200 434-75-210	AMD-E	96-03-140	434-219-100	RECOD	96-03-141	458-53-040	REP	96-05-002
434-75-210	AMD-L AMD	96-03-141	434-219-110	RECOD	96-03-141	458-53-050	AMD	96-05-002
434-75-210	DECOD	96-03-141	434-219-120	RECOD	96-03-141	458-53-051	REP	96-05-002
434-75-220	AMD-E	96-03-140	434-219-130	RECOD	96-03-141	458-53-070	AMD	96-05-002
434-75-220	AMD	96-03-141	434-219-140	RECOD	96-03-141	458-53-080	AMD	96-05-002
434-75-220	DECOD	96-03-141	434-219-150	RECOD	96-03-141	458-53-090	AMD	96-05-002
434-75-230	AMD-E	96-03-140	434-219-160	RECOD	96-03-141	458-53-095	NEW	96-05-002
434-75-230	AMD	96-03-141	434-219-180	RECOD	96-03-141	458-53-100	AMD	96-05-002 96-05-002
434-75-230	DECOD	96-03-141	434-219-190	RECOD	96-03-141	458-53-105	NEW	96-05-002
424 75 240	AMD-E	96-03-140	434-219-210	RECOD	96-03-141	458-53-110	REP	
434-75-240 434-75-240	AMD	96-03-141	434-219-220	RECOD	96-03-141	458-53-120	REP	96-05-002

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WAC#		"	1			1		
WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-53-130	AMD	96-05-002	460-16A-010	AMD	96-11-023	461-08-015	DEDD	06 10 062
458-53-135	NEW	96-05-002	460-16A-015	PREP	96-03-128	461-08-020	REP-P REP-P	96-10-062 96-10-062
458-53-140	AMD	96-05-002	460-16A-015	AMD-P	96-07-065	461-08-025	REP-P	96-10-062
458-53-141	REP	96-05-002	460-16A-015	AMD	96-11-019	461-08-030	REP-P	96-10-062
458-53-142	REP	96-05-002	460-16A-111	PREP	96-03-127	461-08-035	REP-P	96-10-062
458-53-150 458-53-160	REP AMD	96-05-002 96-05-002	460-16A-111	AMD-P	96-07-063	461-08-040	REP-P	96-10-062
458-53-163	REP	96-05-002 96-05-002	460-16A-111 460-16A-120	AMD PREP	96-11-020	461-08-045	REP-P	96-10-062
458-53-165	REP	96-05-002	460-16A-120	AMD-P	96-03-126 96-07-062	461-08-047 461-08-050	REP-P	96-10-062
458-53-180	REP	96-05-002	460-16A-120	AMD	96-11-021	461-08-053	REP-P REP-P	96-10-062
458-53-200	AMD	96-05-002	460-16A-125	PREP	96-03-125	461-08-055	REP-P	96-10-062 96-10 - 062
458-53-210	AMD	96-05-002	460-16A-125	AMD-P	96-07-055	461-08-060	REP-P	96-10-062
460-10A	PREP	96-03-121	460-16A-125	AMD	96-11-024	461-08-065	REP-P	96-10-062
460-10A-035 460-10A-035	REP-P REP	96-07-084	460-16A-150	PREP	96-03-125	461-08-070	REP-P	96-10-062
460-10A-050	AMD-P	96-11 - 026 96-07-084	460-16A-150	AMD-P	96-07-055	461-08-075	REP-P	96-10-062
460-10A-050	AMD	96-11-026	460-16A-150 460-16A-205	AMD PREP	96-11-024	461-08-080	REP-P	96-10-062
460-10A-055	REP-P	96-07-084	460-16A-205	AMD-P	96-03-130 96-07-061	461-08-085 461-08-090	REP-P	96-10-062
460-10A-055	REP	96-11-026	460-16A-205	AMD	96-11 - 017	461-08-093	REP-P REP-P	96-10-062 96-10-062
460-10A-060	AMD-P	96-07-084	460-16A-390	PREP	96-03-129	461-08-095	REP-P	96-10-062
460-10A-060	AMD	96-11-026	460-16A-390	AMD-P	96-07-057	461-08-100	REP-P	96-10-062
460-10A-065 460-10A-065	REP-P	96-07-084	460-16A-390	AMD	96-11-023	461-08-105	REP-P	96-10-062
460-10A-063	REP REP-P	96-11 - 026 96-07-084	460-17A	PREP	96-03-120	461-08-110	REP-P	96-10-062
460-10A-075	REP	96-11-026	460-17A 460-17A	AMD-P AMD	96-07-083	461-08-115	REP-P	96-10-062
460-10A-080	REP-P	96-07-084	460-17A-010	AMD-P	96-11-027 96-07-083	461-08-120 461-08-125	REP-P	96-10-062
460-10A-080	REP	96-11-026	460-17A-010	AMD	96-11-027	461-08-130	REP-P REP-P	96-10-062
460-10A-090	REP-P	96-07-084	460-17A-020	AMD-P	96-07-083	461-08-135	REP-P	96-10-062 96-10-062
460-10A-090	REP	96-11 - 026	460-17A-020	AMD	96-11-027	461-08-140	REP-P	96-10-062
460-10A-095	REP-P	96-07-084	460-17A-030	AMD-P	96-07-083	461-08-143	REP-P	96-10-062
460-10A-095 460-10A-100	REP REP-P	96-11-026 96-07-084	460-17A-030	AMD	96-11-027	461-08-144	REP-P	96-10-062
460-10A-100	REP-F	96-11-026	460-17A-040 460-17A-040	AMD-P AMD	96-07-083	461-08-145	REP-P	96-10-062
460-10A-105	REP-P	96-07-084	460-17A-050	AMD-P	96-11-027 96-07-083	461-08-150	REP-P	96-10-062
460-10A-105	REP	96-11-026	460-17A-050	AMD-I	96-11 - 027	461-08-155 461-08-156	REP-P REP-P	96-10-062
460-10A-110	AMD-P	96-07-084	460-17A-060	AMD-P	96-07-083	461-08-157	REP-P	96-10-062 96-10-062
460-10A-110	AMD	96-11-026	460-17A-060	AMD	96-11-027	461-08-160	REP-P	96-10-062
460-10A-115 460-10A-115	REP-P	96-07-084	460-17A-070	AMD-P	96-07-083	461-08-167	REP-P	96-10-062
460-10A-113	REP REP-P	96-11-026 96-07-084	460-17A-070	AMD	96-11-027	461-08-170	REP-P	96-10-062
460-10A-120	REP	96-11-026	460-20B-020 460-20B-020	PREP AMD-P	96-03-117	461-08-174	REP-P	96-10-062
460-10A-125	REP-P	96-07-084	460-20B-035	NEW-S	96-07-059 96-12-018	461-08-175 461-08-180	REP-P	96-10-062
460-10A-125	REP	96-11 - 026	460-20B-070	PREP	96-03-117	461-08-185	REP-P REP-P	96-10-062
460-10A-130	AMD-P	96-07-084	460-20B-070	NEW-P	96-07-059	461-08-190	REP-P	96-10-062 96-10-062
460-10A-130	AMD	96-11-026	460-33A-020	PREP	96-03-124	461-08-195	REP-P	96-10-062
460-10A-135 460-10A-135	REP-P	96-07-084	460-33A-020	AMD-P	96-07-056	461-08-205	REP-P	96-10-062
460-10A-133	REP REP-P	96-11-026 96-07-084	460-33A-020	AMD	96-11-025	461-08-210	REP-P	96-10-062
460-10A-140	REP	96-11-026	460-40A-025 460-40A-025	PREP REP-P	96-03-122	461-08-215	REP-P	96-10-062
460-10A-145	REP-P	96-07-084	460-40A-025	REP	96-07-060 96-11-018	461-08-220 461-08-221	REP-P	96-10-062
460-10A-145	REP	96-11-026	460-42A-010	PREP	96-03-119	461-08-221	REP-P REP-P	96-10-062 96-10-062
460-10A-150	REP-P	96-07-084	460-42A-010	REP-P	96-07-067	461-08-230	REP-P	96-10-062 96-10 - 062
460-10A-150	REP	96-11-026	460-42A-010	REP	96-11-028	461-08-235	REP-P	96-10-062
460-10A-155 460-10A-155	REP-P	96-07-084	460-42A-081	AMD-P	96 - 03-131	461-08-237	REP-P	96-10-062
460-10A-170	REP AMD-P	96-11-026 96-07-084	460-42A-081	AMD	96-11-016	461-08-240	REP-P	96-10-062
460-10A-170	AMD	96-11-026	460-44A-503 460-44A-503	PREP AMD-P	96-03-116 96-12-019	461-08-245	REP-P	96-10-062
460-10A-180	AMD-P	96-07-084	460-44A-505	PREP	96-03-116	461-08-250 461-08-255	REP-P	96-10-062
460-10A-180	AMD	96-11-026	460-44A-506	PREP	96-03-116	461-08-255	REP-P REP-P	96-10-062
460-10A-185	NEW-P	96-07-084	460-46A-050	AMD-P	96-03-132	461-08-265	REP-P	96-10-062 96-10-062
460-10A-185	NEW	96-11-026	460-46A-050	AMD	96-11-015	461-08-270	REP-P	96-10-062
460-10A-190	NEW-P	96-07-084	460-60A-015	PREP	96-03-123	461-08-300	NEW-P	96-10-062
460-10A-190 460-10A-195	NEW NEW-P	96-11-026 96-07-084	460-60A-015	AMD-P	96-07-058	461-08-305	NEW-P	96-10-062
460-10A-195	NEW-P	96-11-026	460-60A-015 460-60A-020	AMD	96-11-022	461-08-310	NEW-P	96-10-062
460-10A-200	NEW-P	96-07-084	460-60A-020 460-60A-020	PREP AMD-P	96-03-123 96-07-058	461-08-310	NEW-S	96-13-064
460-10A-200	NEW	96-11-026	460-60A-020	AMD-F	96-11-022	461-08-315 461-08-320	NEW-P	96-10-062
460-10A-205	NEW-P	96-07-084	460-80-160	PREP	96-03-118	461-08-325	NEW-P NEW-P	96-10-062 96-10-062
460-10A-205	NEW	96-11-026	460-80-160	REP-P	96-07-066	461-08-330	NEW-P	96-10-062 96-10-062
460-10A-210	NEW-P	96-07-084	460-80-160	REP	96-11-029	461-08-335	NEW-P	96-10-062
460-10A-210 460-16A-010	NEW PREP	96-11-026 96-03-129	461-08-001	REP-P	96-10-062	461-08-340	NEW-P	96-10-062
460-16A-010	AMD-P	96-03-129 96-07-057	461-08-005 461-08-010	REP-P	96-10-062	461-08-345	NEW-P	96-10-062
Table		/ VI-UJI	101-00-010	REP-P	96-10-062	461-08-350	NEW-P	96-10-062

WAC #		WSR #	WAC#		WSR#	WAC #		WSR#
WAC #				NEW W	96-05-032	479-112-0055	AMD	96-04-015
461-08-355	NEW-P	96-10-062	468-86-160	NEW-W NEW-W	96-05-032	480-09-300	AMD	96-02-083
461-08-360	NEW-P	96-10-062	468-86-170	NEW-W	96-05-032	480-09-310	AMD	96-02-083
461-08-365	NEW-P	96-10-062	468-86-180	NEW-W	96-05-032	480-09-330	AMD	96-02-083
461-08-370	NEW-P	96-10-062	468-86-190	NEW-W	96-05-032	480-09-340	AMD	96-02-083
461-08-375	NEW-P	96-10-062	468-86-200	NEW-W	96-05-032	480-09-390	NEW	96-02-083
461-08-380	NEW-P	96-10-062	468-86-210	NEW-W	96-05-032	480-09-426	NEW	96-02-083
461-08-385	NEW-P	96-10-062	468-86-220	NEW-W	96-05-032	480-09-460	AMD	96-02-083
461-08-390	NEW-P	96-10-062	468-86-230 468-86-240	NEW-W	96-05-032	480-09-465	AMD	96-02-083
461-08-395	NEW-P	96-10-062		NEW-W	96-05-032	480-09-466	NEW	96-02-083
461-08-400	NEW-P	96-10-062	468-86-260 468-105-010	NEW	96-03-107	480-09-467	NEW	96-02-083
461-08-405	NEW-P	96-10-062	468-105-010	NEW	96-03-107	480-09-470	AMD	96-02-083
461-08-410	NEW-P	96-10-062 96-10-062	468-105-030	NEW	96-03-107	480-09-480	AMD	96-02-083
461-08-415	NEW-P	96-10-062 96-10-062	468-105-040	NEW	96-03-107	480-09-750	AMD	96-02-083
461-08-420	NEW-P	96-10-062 96-10-062	468-105-050	NEW	96-03-107	480-09-751	NEW	96-02-083
461-08-425	NEW-P	96-10 - 062	468-105-060	NEW	96-03-107	480-93-010	AMD-P	96-03-148
461-08-430	NEW-P	96-10-062	468-105-070	NEW	96-03-107	480-93-010	AMD	96-13-022
461-08-435	NEW-P	96-10-062	468-105-080	NEW	96-03-107	495D-120-085	NEW-P	96-03-060
461-08-440	NEW-P	96-10-062	468-200-020	NEW	96-02-067	495D-120-085	NEW	96-07-049
461-08-445	NEW-P	96-10-062	468-200-040	NEW	96-02-067	504-19-010	NEW-P	96-11-115
461-08-450	NEW-P	96-10-062	468-200-060	NEW	96-02-067	504-19-020	NEW-P	96-11-115
461-08-455	NEW-P	96-10-062 96-10-062	468-200-080	NEW	96-02-067	504-19-030	NEW-P	96-11-115
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