

# Washington State Register

**AUGUST 7, 1996**

**OLYMPIA, WASHINGTON**

**ISSUE 96-15**



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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

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

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

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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.

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of 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 <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
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96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
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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
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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
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96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
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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

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

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

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



## **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;

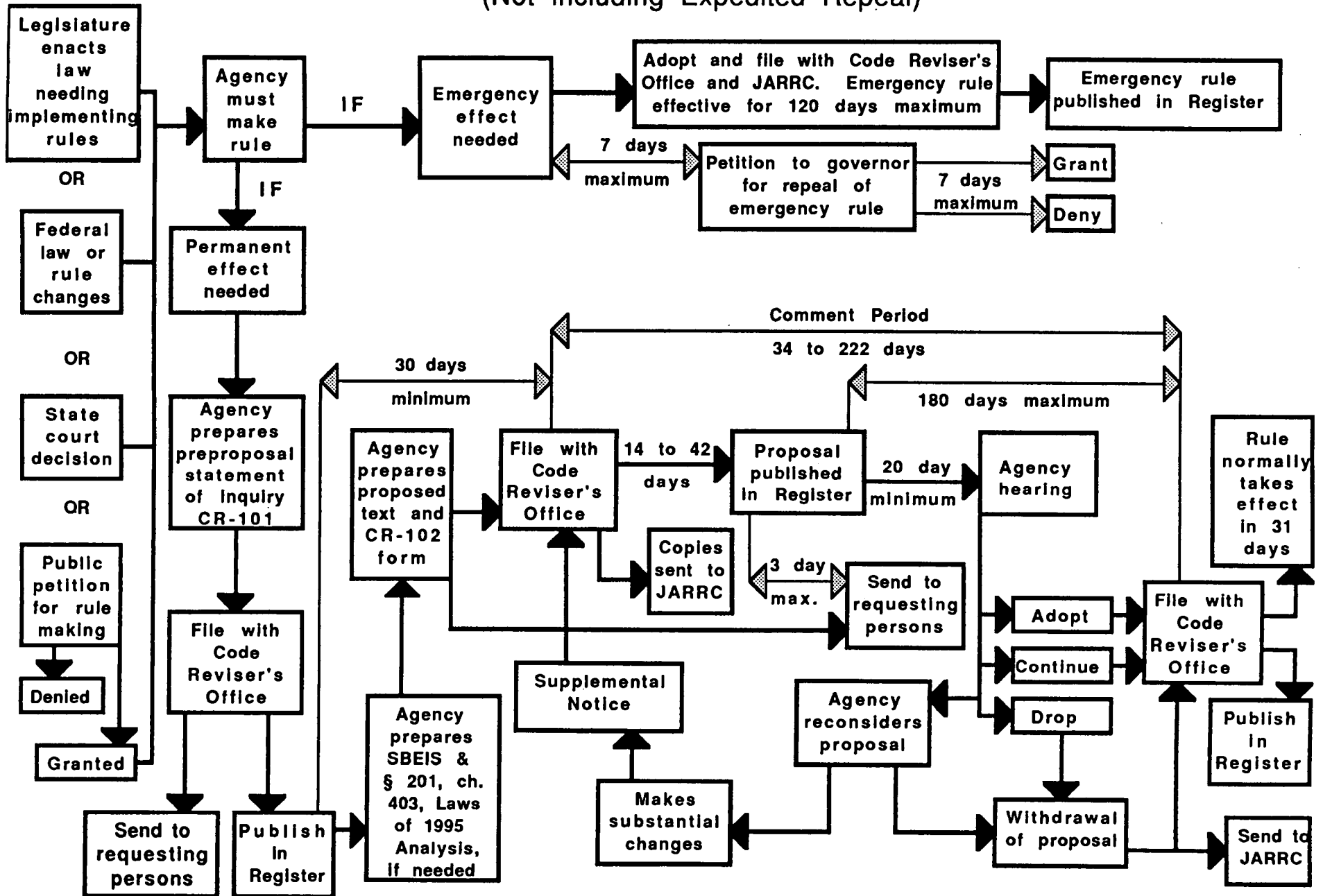
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 96-15-005**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed July 5, 1996, 12:30 p.m.]

Subject of Possible Rule Making: Sale of eggs and carcasses by volunteer cooperative projects and fisheries regional enhancement groups.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Gadwa, Fisheries Regional Enhancement Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2806. Contact by: September 30, 1996. Proposal filing: October 2, 1996.

July 5, 1996  
 Evan Jacoby  
 Rules Coordinator

**WSR 96-15-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
 [Filed July 9, 1996, 2:31 p.m.]

Subject of Possible Rule Making: Rules to authorize progressive pull tabs for charitable/nonprofit and commercial licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (2), (4), (5), (8), (11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Progressive pull tab games are currently operated at some Indian casinos. Commercial and charitable/nonprofit licensees have requested the Gambling Commission to authorize similar games for off-reservation use.

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 Sherri Winslow, Assistant Director or Carrie Tellefson, Special Assistant to the Director, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 302, FAX (360) 438-8652. September 12 and 13, 1996, WestCoast Hotel, 625 116th N.E. Boulevard, Bellevue, WA 98008, on September 12, at 9:00 a.m., on September 13 at 10:00 a.m. October 10 and 11 1996, Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on October 10, at 9:00 a.m., on

October 11 at 10:00 a.m. November 14 and 15, 1996, Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 14, at 9:00 a.m., on November 15 at 10:00 a.m.

July 9, 1996  
 Michael R. Aoki-Kramer  
 Rules and Policy Coordinator

**WSR 96-15-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
 [Filed July 9, 1996, 2:32 p.m.]

Subject of Possible Rule Making: Rules to authorize satellite bingo and speed bingo games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (4), (5), (7)-(11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bingo licensees have requested these games be authorized to help them better compete with tribal operations and bingo operations outside of Washington state.

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 Ben Bishop, Deputy Director or Carrie Tellefson, Special Assistant to the Director, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374, FAX (360) 438-8652. September 12 and 13, 1996, WestCoast Hotel, 625 116th N.E. Boulevard, Bellevue, WA 98008, on September 12 at 9:00 a.m., on September 13 at 10:00 a.m. October 10 and 11, 1996, Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on October 10 at 9:00 a.m., on October 11 at 10:00 a.m. November 14 and 15, 1996, Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 14 at 9:00 a.m., on November 15 at 10:00 a.m.

July 9, 1996  
 Michael R. Aoki-Kramer  
 Rules and Policy Coordinator

**WSR 96-15-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
 [Filed July 9, 1996, 2:34 p.m.]

Subject of Possible Rule Making: Gambling quality control testing program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (4), (5), (7), (8), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To seek an alternative quality control testing program meeting the commission's requirements and limiting impacts to manufacturers.

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

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

publication by contacting Sherri Winslow, Assistant Director, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 302, FAX (360) 438-8652.

July 9, 1996  
Michael R. Aoki-Kramer  
Rules and Policy Coordinator

7200, FAX (360) 753-4201, TDD (360) 664-3631. Thomas J. Case, (360) 753-6708, School Apportionment and Research Office.

July 9, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

#### WSR 96-15-023

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 9, 1996, 2:36 p.m.]

Subject of Possible Rule Making: Clarifications and streamlining of commercial amusement game rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (3), (8), (9), (11), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule modifications requested by licensee organization to clarify and streamline some commercial amusement game rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carrie Tellefson, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7636, FAX (360) 438-8652. September 12 and 13, 1996, WestCoast Hotel, 625 116th N.E. Boulevard, Bellevue, WA 98008, September 12 at 9:00 a.m., on September 13 at 10:00 a.m. on October 10 and 11, 1996, Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on October 10 at 9:00 a.m., on October 11 at 10:00 a.m. November 14 and 15, 1996, Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 14 at 9:00 a.m., on November 15 at 10:00 a.m.

July 9, 1996  
Michael R. Aoki-Kramer  
Rules and Policy Coordinator

#### WSR 96-15-040

##### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed July 12, 1996, 8:35 a.m.]

Subject of Possible Rule Making: Formulate rule pertaining to self-service activities for on-premises licensees where patrons would not be allowed to place orders at the bar and then carry liquor back to a table without supervision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has received numerous complaints about some licensed premises allowing patrons to order drinks or pitchers at the bar and then carry them back to the tables. This practice can allow overservice or service to minors to occur since the employees of the licensee are not actually serving those who are consuming.

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

Process for Developing New Rule: Public meetings with citizens, industry associations and licensees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Gilbert, Chief of Enforcement, Washington State Liquor Control Board, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

July 3, 1996  
Nathan S. Ford, Jr.  
Chairman

#### WSR 96-15-025

##### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 10, 1996, 10:40 a.m.]

Subject of Possible Rule Making: Chapter 392-132 WAC, Finance—Nonhigh participatory finance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.545-110 and 84.52.0531(n).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update WAC and enrollment form references. No policy changes are needed at this time.

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

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, Legal Services, P.O. Box 47200, Olympia, WA 98504-

#### WSR 96-15-041

##### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed July 12, 1996, 8:36 a.m.]

Subject of Possible Rule Making: Develop rule regulating when liquor may be served in game rooms of licensed premises.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has had complaints about liquor being served in the game rooms of licensed premises when persons under age twenty-one years are allowed in the same area. The problems associated with minors obtaining liquor in these areas prompted the complaints.

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

Process for Developing New Rule: Public meetings with citizens, liquor licensees and industry associations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Gilbert, Chief of Enforcement, Washington State Liquor Control Board, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

July 3, 1996  
Nathan S. Ford, Jr.  
Chairman

standardized rationale on when complimentary drinks may be provided to customers.

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

Process for Developing New Rule: Public meetings involving citizens, industry associations and liquor licensees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Gilbert, Chief of Enforcement, Washington State Liquor Control Board, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

July 10, 1996  
Nathan S. Ford, Jr.  
Chairman

**WSR 96-15-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 12, 1996, 8:37 a.m.]

Subject of Possible Rule Making: Amendatory language to WAC 314-10-100(4) which would require the holder of a T1 or T2 license to report tobacco product distributions versus tobacco samplings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.155.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendatory language that would be added would extend the reporting requirements of T1 and T2 licensees to distribution activities while on private property. The change would provide more data in order to have a more comprehensive understanding as to the extent of such distribution.

Process for Developing New Rule: Public meetings involving citizens, industry and licensees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Gilbert, Chief of Enforcement, Washington State Liquor Control Board, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

July 9, 1996  
Nathan S. Ford, Jr.  
Chairman

**WSR 96-15-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 12, 1996, 8:38 a.m.]

Subject of Possible Rule Making: Licensees furnishing liquor to customers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Several years ago, the Liquor Control Board repealed the rule on treating and setting up drinks on the house. Several licensees and others have voiced interest on the subject so as to establish some

**WSR 96-15-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 12, 1996, 10:52 a.m.]

Subject of Possible Rule Making: Traffic safety— School safety patrol, chapter 392-151 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.385.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the rules into conformance with Washington Department of Transportation language and the MUTCD.

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, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. Gary Bloomfield, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 7200, Olympia, WA 98504-7200, (360) 753-6736, FAX (360) 586-6124.

July 11, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

**WSR 96-15-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Examining Board of Psychology)

[Filed July 18, 1996, 10:32 a.m.]

Subject of Possible Rule Making: Amend WAC 246-924-990 Psychology fees, the existing psychology statute regarding temporary permits (RCW 18.83.082(1)) was repealed by the legislature effective June 7, 1996. After this date, no temporary permits can be issued until the Examining Board of Psychology adopts rules as authorized in the

Uniform Disciplinary Act (RCW 18.130.075). A fee for the cost of issuing a temporary permit will need to be developed to include administrative costs and addressing potential disciplinary action costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Health is proposing a fee category for the issuance of temporary permits. The new fee category will allow the Examining Board of Psychology to charge applicants the cost to issue the temporary permit. The fee will include the cost for any disciplinary investigations or adjudication.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state or federal agencies that regulate the practice standards for psychologists.

Process for Developing New Rule: The June 1996 semiannual newsletter which was mailed to all licensees included an article stating that the board intended to adopt rules on temporary permit issuance and the department would adopt a new fee category; an outline of the proposed rule was distributed on April 19, 1996, at the Washington State Psychological Association convention and at an April 17, 1996, meeting of the Deschutes Psychological Society. A public rules work group meeting will be held for all persons interested in amending this rule on October 11, 1996, at 5:30 p.m. at Nendel's Renton, 3700 East Valley Road, Renton, WA 98055, Room #419 on the Fourth Floor. An additional work group meeting will be held in eastern Washington at a date and location to be announced.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Program Manager, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-3095, FAX (360) 586-7774.

July 17, 1996  
Bruce Miyahara  
Secretary

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules do not provide a definition section and further, lack the clarify necessary for certificants who participate in the profession. These rules would impose new requirements on health care facilities to verify HCA credentials and require reporting responsibilities by the facilities of authorized medication/diagnostic agent lists. Additional clarity of HCA training and education requirements is also provided.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies regulate health care assistants.

Process for Developing New Rule: Two open public meetings were held in October 1991 on the west side of the state and two were held in September 1991 on the east side of the state to gather public input and participation in first developing these rules with the HCA education subcommittee. A need was determined to modify the current rules. A meeting was held on June 7, 1996, to review the rules proposals again - changes were incorporated from the public. Two open public meetings are scheduled for August 1996, notification is going to all doctors through the medical newsletter in July, to ARNPs and nursing assistants through interested parties list mailing, HCA schools, associations and lobbyists, osteopaths and podiatrists through a mailing to all doctors, the hospital association and a mailing to all health care assistant current certificants.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beth Blakley, Health Professions Quality Assurance Division, P.O. Box 47866, Olympia, WA 98504, phone (360) 586-8437, FAX (360) 586-4573. Open public meetings on August 27, 1996, at 9:30-12:00, WestCoast Sea-Tac, 18220 Pacific Highway South, Seattle, Cascade Room, (206) 246-5535; and on August 30, 1996, Ridpath Hotel, Spokane, WA, (509) 838-2711.

July 17, 1996  
Bruce Miyahara  
Secretary

**WSR 96-15-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed July 18, 1996, 10:35 a.m.]

Subject of Possible Rule Making: Health care assistant (HCA) rules. Addition of a definitions section, clarification of the supervision of HCAs, clarification of required certification, creation of new renewal and recertification requirements, identification of medication and diagnostic agent list and functions authorized, identification of qualified trainer guidelines, identification of HCA training and education requirements and hospital and nursing home drug injections. Also includes repealing of WAC 246-826-080 Medication and diagnostic agent list. The repealed language is being incorporated into another section WAC 246-826-070.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.135 RCW, the law relating to health care assistants.

**WSR 96-15-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
[Filed July 18, 1996, 12:15 p.m.]

Subject of Possible Rule Making: Format change of examination, reciprocity registration, license renewal, compliance with the law, and fees.

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: Beginning in February 1997, the national architect exam will be computerized. It is no longer a "written" test administered by the board. There will no longer be an application deadline and exams will be available in various locations throughout the state. Examination fees will no longer be collected by the board. The remainder of the proposed changes are housekeeping changes.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James D. Hanson, Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 753-1153, TDD (360) 586-2788, FAX (360) 664-2551. All interested persons will be added to the agency's mailing list for this rule proposal.

July 18, 1996  
James D. Hanson  
Administrator

**WSR 96-15-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed July 18, 1996, 1:16 p.m.]

Subject of Possible Rule Making: Restrictions on continued receipt of retirement allowances for Teachers' Retirement System Plan I retirees who work for a public educational institution.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.32.570, which governs the effect of a TRS Plan I retiree's return to work on his or her pension, was amended in 1994 and 1995. The department's current rule needs to be amended to be consistent with those changes. Those changes allow retirees to work an additional fifteen days without affecting their pension in some circumstances.

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

Process for Developing New Rule: Because the department already has an existing rule on this subject in place and the amendments are being made only for the purpose of bringing the existing rule into compliance with RCW 41.32.570, the department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rule will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as the Washington Education Association, and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

July 18, 1996  
Paul Neal  
Rules Coordinator

**WSR 96-15-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed July 18, 1996, 1:18 p.m.]

Subject of Possible Rule Making: Implementation of RCW 41.50.165 which provides a mechanism for members to establish or reestablish optional service credit after the expiration of the statutory deadline provided the member pays the actuarial value of the resulting increase to their benefit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.50.175.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In RCW 41.50.175, the legislature specifically directed the department to adopt rules on this subject to address implementation of RCW 41.50.165 generally. The legislature specifically required rules on (1) application and calculation of the actuarial value; and (2) establishing the minimum partial payment or minimum units of restored service.

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 has worked with the state actuary in developing a preliminary draft. Copies of that draft will be provided to retirement system member groups as well as to requesting individuals.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

July 18, 1996  
Paul Neal  
Rules Coordinator

**WSR 96-15-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)  
[Filed July 18, 1996, 3:22 p.m.]

Subject of Possible Rule Making: Chapter 275-47 WAC, Collection of costs of support, treatment and confinement of juveniles under RCW 13.40.220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Raises the reimbursement obligation to \$2300 from \$400 if a parent fails to provide a financial statement as stipulated by the department; exempts parents from payment if the parent receives adoption support, or if the parent, spouse or child was the victim of the crime for which the juvenile was committed pursuant to RCW 13.40.220(7); and clarifies the powers of an administrative law judge for hearings conducted under WAC 275-47-030.

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, the department/JRA will conduct an internal and external review process before filing forms CR-101 and/or CR-102, and consider all comments during these processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marty Butkovich, Juvenile Rehabilitation Administration, 14th and Jefferson Street, Mailstop 45720, Olympia, WA 98504, (360) 902-8081.

July 18, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-15-083**

**PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL**

[Filed July 19, 1996, 8:35 a.m.]

Subject of Possible Rule Making: Amending 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. This will amend chapter 51-32 WAC, Uniform Mechanical Code and chapter 51-34 WAC, Uniform Fire Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This process was initiated by the action of the 1996 legislature and Governor Mike Lowry. The 1996 legislature passed by unanimous vote SHB 2936, relating to discharge of ammonia refrigerant in cold storage warehouses. Governor Mike Lowry, on March 30, 1996, vetoed the bill and directed the council to "take appropriate action immediately" to resolve this issue. The council subsequently adopted an emergency rule, WSR 96-13-047, as a first step toward immediate resolution of the problem. The council is now examining the situation to arrive at a permanent solution.

Process for Developing New Rule: Negotiated rule making; and appointment of technical advisory group to work with council.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals or organizations interested in following the development of this rule should submit a letter of interest to: James R. Beaver, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300. Meeting notices, minutes, and draft language will be provided as requested. For further information, please contact Al Rhoades at (360) 586-8999.

July 18, 1996

James R. Beaver  
Council Chair

**WSR 96-15-084**

**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed July 19, 1996, 10:13 a.m.]

Subject of Possible Rule Making: Chapter 204-29 WAC, Marking license plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As of July 1, 1993, RCW 46.16.710, regarding the confiscation and marking of registration and license plates for persons with a suspended, revoked, or no valid operator's license, expired. The WAC covering this expired statute will be repealed.

Process for Developing New Rule: Statute is no longer active, rules should be repealed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contact-ing Lieutenant Mike Dubee, Washington State Patrol Field Operations Bureau, P.O. Box 42600, Olympia, WA 98504-2600, (360) 586-2340, FAX (360) 586-1628.

July 17, 1996

B. J. Bjork  
for Annette M. Sandberg  
Chief

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 204-29-010      Marking license plate.

**WSR 96-15-086**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed July 19, 1996, 11:22 a.m.]

Subject of Possible Rule Making: 1997 Need standards for public assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 45 CFR 233.20.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Social and Health Services is required to update the need standard for public assistance on a yearly basis.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Brinkman, Program Manager, AFDC/Refugee Assistance Section, Division of Income



Assistance, P.O. Box 45400, Olympia, WA 98504-5400,  
phone (360) 438-8309, FAX (360) 438-8258.

July 19, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

July 19, 1996

Mark O. Brown

Director

**WSR 96-15-088**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 19, 1996, 3:04 p.m.]

Subject of Possible Rule Making: Workers' compensation insurance premium rates, chapter 296-17 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Title 51 RCW requires the Department of Labor and Industries to set workers' compensation insurance rates at the lowest level necessary to maintain solvency of the accident and medical aid funds. The statute further instructs the department to revise rates annually or as otherwise needed to adjust rates to ensure rate payer equity and encourage safety in the workplace. As a part of this mandate the department has initiated the process of evaluating current loss information at the risk classification and fund levels to develop revisions to the premium rate plan. This evaluation is done at the risk classification level to recognize recent improvements or deterioration of workplace safety by industry groups. Industries that have improved would see premium rates adjusted to lower levels while those whose experience has worsened would see premium rates increased. Added to these revisions are changes needed at the fund level to recognize changes in benefits authorized by the legislature, medical inflation and any other condition that may affect the cost of insurance.

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

Process for Developing New Rule: Premium rates are actuarially determined using legislatively driven standards. Title 51 RCW does not provide an alternative method of determining premium rates or provide provisions for waiving or exempting businesses from paying premiums when they employ workers covered by the industrial insurance laws of Washington. Employers can influence future premium adjustments through effective claims management and workplace safety program. Once premium levels and risk classification adjustments have been determined the public can participate in the rule-making process by attending public hearings on the subject matter.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A public hearing has been tentatively set for October 22, 1996, at 10:00 a.m. at the Department of Labor and Industries Office located at 7273 Linderson Way in Tumwater, WA. Written comments can be sent to William White, Senior Actuary for Insurance Services, P.O. Box 44148, Olympia, WA 98504-4148 or faxed to (360) 902-4721.

**WSR 96-15-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed July 19, 1996, 3:11 p.m.]

Subject of Possible Rule Making: Food stamp program unearned income, WAC 388-49-460.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 7 CFR 273.11(k) prohibits an increase in food stamp benefits when a household's cash benefits received under another means - tested federal, state, or local welfare or public assistance program decrease as a result of a penalty imposed on the household for intentionally failing to comply with a requirement of the other program. This regulation expands the current prohibition on increases in food stamp benefits to include all situations in which a decrease occurs due to a penalty for intentional noncompliance with another program's requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture's Food and Consumer Service has issued this regulation and requires implementation December 1, 1996.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joan Wirth, Program Manager, Food Stamp Program Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8324, FAX (360) 438-8258, TDD (360) 438-8483.

July 19, 1996

Merry A. Kogut

Rules and Policies Assistance Unit

**WSR 96-15-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed July 22, 1996, 2:58 p.m.]

Subject of Possible Rule Making: Payment rates: Licensed and contracted adult family homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.030 (3)(a), 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In E2SHB 1908, the legislature mandated that the Department of Social and

Health Services (DSHS) set payment rates for adult family home services by rule. Final rules regarding service standards for licensed and contracted adult family homes have been filed and will be adopted effective July 19, 1996, as chapter 388-76 WAC. DSHS may now use the service requirements in chapter 388-76 WAC together with the input of DSHS clients, contractors, and other interested parties to establish the rate-setting criteria for adult family home services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies have any direct regulatory authority over adult family homes in Washington state.

Process for Developing New Rule: AASA will conduct an internal and external review and approval process, giving consideration to all comments and recommendations, prior to filing form CR-102, notice of proposed rule making. AASA will employ a participatory approach to involve stakeholders, consumer and advocate groups, providers, DSHS divisions including developmental disabilities and mental health, and interested citizens, and will prepare initial draft regulations, to be provided to key stakeholders for review, to include the state's long-term care ombudsman, consumer associations, organizations representing diverse client populations, legal advocates, service providers, and other entities. Public meetings will be held to obtain comments and recommendations on initial draft regulations. Dates, times, and locations will be mailed to interested parties at least one week before the first meeting and throughout the rule development process. Comments and recommendations received up to the deadline will be reviewed and considered in drafting proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may submit oral or written comments, concerns, and recommendations to AASA up to the deadline for the comment period first on draft rules and then on the proposed rules. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Any interested person may request and receive a copy of the initial draft regulations and provide comment at the public meetings or in writing. At the time the notice of proposed rule making is filed, interested persons will be notified of the scheduled hearing on the proposed rules and how to submit comments for consideration.

Contact person for the rule development process will be Sue McDonough, Program Manager, P.O. Box 45600, Olympia, WA 98504-7903, phone (360) 407-0331, FAX (360) 493-9484, TDD 493-2637 or 1-800-737-7931.

July 22, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

## WSR 96-15-106

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

[Filed July 22, 1996, 3:00 p.m.]

Subject of Possible Rule Making: Payment rates: Contracted assisted living facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1908, RCW 74.39A.030 (3)(a), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In E2SHB 1908, the legislature mandated that the Department of Social and Health Services (DSHS) set payment rates for assisted living services by rule. Rules regarding service standards for boarding homes contracted as assisted living facilities are now in place as chapter 388-110 WAC. DSHS may now use the service requirements in chapter 388-110 WAC together with the input of DSHS clients, contractors, and other interested parties to establish the rate-setting criteria for assisted living services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health (DOH) licenses boarding homes, which provide assisted living services. The DOH will be invited to participate in the development of the assisted living rate regulations as an interested party.

Process for Developing New Rule: AASA will conduct an internal and external review and approval process, giving consideration to all comments and recommendations, prior to filing form CR-102, notice of proposed rule making. AASA will employ a participatory approach to involve stakeholders, consumer advocates, interest groups, assisted living service providers, appropriate DSHS divisions including developmental disabilities and mental health, and interested public citizens. AASA staff will prepare initial draft regulations which will be provided to key AASA stakeholders for review. Those stakeholders will include but not be limited to the state's long-term care ombudsman, consumer and provider associations, and legal advocates. Public meetings will be held to seek comments and recommendations on initial draft regulations. Notice of dates, times, and locations of public meetings will be mailed out in advance. Initial draft regulations will be mailed to interested parties at least one week before the first meeting and throughout the rule development process. Comments and recommendations received up to the deadline will be reviewed and considered before and during the process of drafting proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may submit oral and written comments, concerns, and recommendations to AASA up to deadline for the comment period first on draft rules and then on proposed rules. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Any interested person may request and receive a copy of the initial draft regulations and provide comment at the public meetings or in writing. At the time the notice of proposed rule making is filed, interested persons will be

notified of the scheduled hearing on the proposed rules and how to submit comments for consideration.

Contact person for the rule development process will be Sue McDonough, Program Manager, P.O. Box 45600, Olympia, WA 98504-7903, phone (360) 407-0331, FAX (360) 493-9484, TDD 493-2637 or 1-800-737-7931.

July 22, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-15-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed July 22, 1996, 3:01 p.m.]

Subject of Possible Rule Making: WAC 388-70-500 through 388-70-595 (amending old section, adding new sections pertaining to adoption support services).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.550.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implement changes enacted in EHB 1173 and SHB 2487.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DHHS Region X. Send copies of the drafts and respond to comments to review for consistency between state and federal rules governing the program.

Process for Developing New Rule: WAC changes will be developed with public participation. Language will be reviewed extensively with public and other interested parties and adjustments made.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Cena, (360) 902-7961, Internet: CEBE300@DSHS.WA.GOV; Lois Chowen, (360) 902-7959, Internet: CHLO300@DSHS.WA.GOV. Mailing Address: P.O. Box 45713, Olympia, WA 98504, FAX (360) 902-7903, TDD 902-7906.

July 22, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-15-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)

[Filed July 22, 1996, 4:37 p.m.]

Subject of Possible Rule Making: Chapter 246-879 WAC, Drug destruction firms, establish registration requirements for drug destruction firms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 69.50.301.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Board of Pharmacy does not have a licensing category to address the activities of drug destruction firms. The Uniform Controlled Sub-

stances Act requires every person who distributes controlled substances to be registered with the Board of Pharmacy.

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

Process for Developing New Rule: Public meetings, mailings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504, phone (360) 753-6834, FAX (360) 586-4359.

July 16, 1996

D. H. Williams  
Executive Director

**WSR 96-15-110**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)

[Filed July 22, 1996, 4:40 p.m.]

Subject of Possible Rule Making: Chapter 246-872 WAC, Automated drug distribution devices, this rule establishes storage, removal, labeling and record-keeping requirements for medications stored in computerized dispensing devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments update the current rule to reflect recent advances in computerized technology. The proposed amendments will allow the use of computerized drug dispensing devices in hospitals and other licensed health care facilities.

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

Process for Developing New Rule: Board meetings, mailings to interested parties, meetings with affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Board of Pharmacy, Box 47863, Olympia, WA 98504-7863, phone (360) 753-6834, FAX (360) 586-4359.

The board will consider additional comments on August 7, 1996, at the Clark College, Vancouver, Washington.

July 15, 1996

D. H. Williams  
Executive Director

**WSR 96-15-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**JOINT CENTER**  
**FOR HIGHER EDUCATION**

[Filed July 23, 1996, 10:25 a.m.]

Subject of Possible Rule Making: Rules and regulations for parking at the Riverpoint Higher Education Park.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.25.020 (1), (6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff, faculty, and the public at the Riverpoint Higher Education Park with clearly defined parking policies, including but not limited to the issuance of permits, the imposition of fines and/or penalties for infractions, and the appeals procedure for disputing infractions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other Agencies: Institutions of Higher Education; RCW 28B.10.560. Coordination Process: Use parking regulations of other institutions of higher education, contained in the WAC, as guidelines.

Process for Developing New Rule: Agency study; and circulation of draft rules to student organizations and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry L. Novak, Executive Director, Joint Center for Higher Education, 665 North Riverpoint Boulevard, Spokane, WA 99202-1665, phone (509) 358-2003, FAX (509) 358-2019, Email: TNOVAK@aol.com. Joint center board meetings are held on the 2nd Wednesday of each month at 7 a.m. at the Riverpoint campus.

July 19, 1996  
Terry L. Novak  
Rules Coordinator

**WSR 96-15-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**JOINT CENTER**  
**FOR HIGHER EDUCATION**  
[Filed July 23, 1996, 10:27 a.m.]

Subject of Possible Rule Making: Dispensing of alcoholic beverages on the Riverpoint campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.25.020(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establishing these rules gives interested persons and organizations seeking approval to dispense alcoholic beverages at on-campus events, guidelines for seeking that approval, staying in compliance according to that approval and a method of resolving any disputes that may arise.

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

Process for Developing New Rule: Agency study; and circulation of draft rules to student organizations and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry L. Novak, Executive Director, Joint Center for Higher Education, 665 North Riverpoint Boulevard, Spokane, WA 99202-1665, phone (509) 358-2003, FAX (509) 358-2019, Email: TNOVAK@aol.com. Joint center board meetings are held on the 2nd

Wednesday of each month at 7 a.m. at the Riverpoint campus.

July 19, 1996  
Terry L. Novak  
Rules Coordinator

**WSR 96-15-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**  
[Filed July 23, 1996, 3:24 p.m.]

Subject of Possible Rule Making: Create new chapter under Title 204 WAC for limousine businesses. This chapter will set fees for and outline the required annual vehicle inspection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 87, Laws of 1996.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 87, Laws of 1996, allows the state patrol to charge fees for the annual vehicle inspection required for limousine carriers. This new chapter will set the fees and cover the inspection process.

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

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 Mr. Don Lewis, Washington State Patrol, Commercial Vehicle Division, P.O. Box 42614, Olympia, WA 98504-2614, (360) 753-0350, FAX (360) 586-8233.

July 23, 1996  
B. J. Bjork  
for Annette M. Sandberg  
Chief

**Chapter 204-95 WAC**  
**LIMOUSINE BUSINESSES**

NEW SECTION

**WAC 204-95-030 Fees.** The department of licensing, as authorized in chapter 87, Laws of 1996, shall charge and collect the following fees:

Fees listed in WAC 308-87-060	
Annual Inspection	\$25.00
Reinspection	\$15.00
Background Check	as set in WAC 446-20-600

The background check shall consist of a fingerprint-based background search at the state level conducted by the Washington state patrol identification section.

NEW SECTION

**WAC 204-95-080 Annual inspections, safety of equipment.** Upon the request of a new limousine applicant or a limousine operator applying for annual renewal of their limousine license with the department of licensing, the Washington state patrol shall conduct a safety inspection of

the equipment to be used in the limousine service. Applicants or operators must present their vehicle(s) at a Washington state patrol district or detachment office for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The vehicle must pass the inspection to qualify for renewal of original limousine operators license with department of licensing. The vehicle inspection will consist for the following:

(1) All standard equipment for vehicles will be checked to include brake systems, functional brake performance test, wheel systems, steering and suspension, fuel system, exhaust system, lighting and signal system, visibility system, body components, interior condition and cleanliness.

(2) If a vehicle fails an initial inspection and must be reinspected, a reinspection fee as provided in WAC 308-87-060 will apply. The applicant or operator must present the original inspection form and reinspection form to the department of licensing.

(3) Upon successful completion of the safety inspection, a commercial vehicle safety alliance decal will be applied to the upper right hand corner of the windshield.

**WSR 96-15-123**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LOTTERY COMMISSION**  
[Filed July 24, 1996, 8:38 a.m.]

Subject of Possible Rule Making: Instant game rules.  
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering proposing rules for Instant Game Nos. 190, 191, 192, and 193, during the next six months. These rules will explain how the games function to retailers and players. Rigid validation requirements will prevent prize payment on invalid tickets. The lottery is considering amending WAC 315-10-070 to remove language that relates to game design factors which are addressed in individual game rules. The lottery is considering adopting and/or amending chapters 315-10 and 315-11 WAC to streamline instant game rule adoption.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, Rules Coordinator, at (360) 586-6583, FAX (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent [inquiry].

July 23, 1996  
Evelyn P. Yenson  
Director

**WSR 96-15-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
[Filed July 24, 1996, 8:56 a.m.]

Subject of Possible Rule Making: Revision of WAC 82-54-010 to expand the shared leave program by adding the ability to donate sick leave and personal holidays to other state employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.04.650 through 41.04.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrative procedures are required in order to managed the shared leave program in accordance with RCW 41.04.650 through 41.04.670.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Personnel has submitted personnel related administrative changes for the shared leave program in accordance with 1996 legislative changes.

Process for Developing New Rule: Criteria established by 1996 legislation effective June 6, 1996, 3SHB 1381.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Millie Lund, Office of Financial Management, 406 Legion Way S.E., Olympia, WA 98504-3123, (360) 664-3419.

July 23, 1996  
G. Dewey Harris, III  
Assistant Director

**WSR 96-15-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 24, 1996, 10:54 a.m.]

Subject of Possible Rule Making: The commission will explore with the telecommunications industry the need for consumer protection rules addressing fair competitive business practices between and among competing telecommunications companies during contacts with customers where choice of service provider for some component of service is an issue, including protection against involuntary and unauthorized change in service providers ("slamming"). Docket No. UT-960942.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under the federal Telecommunications Act of 1996, consumers are soon to be offered choices potentially among several providers of service for various components of their total telecommunications service needs. Uniform consumer protection rules may be necessary to ensure that choices and options of services and service providers are fairly and neutrally explored with consumers at the time service is initiated or changes in services or service providers are sought, and that such choices in services and providers be exercised voluntarily by consumers ("antislamming").

July 23, 1996  
D. J. Patin  
Assistant Director

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Regulation of the business and central office practices of the local telecommunications companies with whom consumers must communicate their choice of services and service providers will continue to be the responsibility of the Washington Utilities and Transportation Commission.

Process for Developing New Rule: The commission will call for written comments, and may provide the opportunity for additional written comments. The commission will schedule an informal workshop with interested persons in a manner designed to develop consensus on any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150.

Written Comments: Written comments from persons interested in the subject matter of this proposed rule making addressing the need for rules, and the potential breadth and reach of such rules may be filed with the commission secretary, referencing Docket No. UT-960942, not later than August 14, 1996. All commenters are asked to file an original and ten copies of their written comments. The commission also requests comments be provided on a 3 1/2 inch, high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the commenter's name and type of software used. Interested persons may also file additional written comments and attend and participate in any workshops, to be announced by written notice to all commenters and to other persons specifically asking to receive notice in this rule-making proceeding.

July 24, 1996  
Terrence Stapleton  
for Steve King  
Acting Secretary

**WSR 96-15-134**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF ECOLOGY**

[Order 96-11—Filed July 24, 1995, 11:25 a.m.]

Subject of Possible Rule Making: Motor vehicle emission testing program, chapter 173-422 WAC.

Specific Statutory Authority for New Rule: Chapter 70.120 RCW.

Reasons Why the New Rule is Needed: To modify the requirements for which model years must be tested in the Vancouver area of the motor vehicle emission check program. This rule implements, in part, the ozone maintenance plan for compliance with federal air quality standards developed by the Southwest Air Pollution Control Authority.

Goals of New Rule: Improve the cost-effectiveness of the motor vehicle emission check program.

Process for Developing New Rule: Consultations with local government and interested parties in the affected area.

How Interested Parties can Participate in Formulation of the New Rule: For information on meetings and hearings regarding the rule revision, please contact John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6856, FAX (360) 407-6802.

**WSR 96-15-135**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed July 24, 1996, 11:29 a.m.]

Subject of Possible Rule Making: Chapter 458-10 WAC, Rules for accreditation of real property appraisers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.21.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are needed to implement RCW 36.21.015. This statute deals with qualifications for appraisers who value real property for purposes of taxation and requires the Department of Revenue to administer the accreditation of these appraisers. The statute is quite general and appraisers who value property for purposes of taxation as well as the property taxpayers themselves need to know more specifically what the knowledge and experience requirements are, as well as the requirements for continuing education. The rules would apprise these appraisers and the property taxpaying public more precisely of what the qualifications are for appraising property for purposes of taxation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Licensing administers the licensing of certified real estate appraisers under chapter 18.140 RCW. The proposed rules will be coordinated with the laws and rules of the Department of Licensing by providing that agency with copies of the proposed rules and by communicating directly with staff of that agency who administer the certified appraiser program. Although appraisers who value real property for purposes of taxation are not regulated by any federal agency, the Federal Financial Institutions Regulatory Agency and the Resolution Trust Corporation are federal agencies that also deal with real estate appraisers, primarily in connection with providing appraisals for federally regulated financial institutions. The proposed rules will be coordinated with the provisions of federal laws and rules relating to real estate appraisal.

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. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to James A. Winterstein, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, FAX (360) 664-0693.

Location and Date of Public Meeting: 711 Capitol Way, 2nd Floor Conference Room, Olympia, WA, on August 21, 1996, at 10:00 a.m.

July 24, 1996  
Russell W. Brubaker  
Assistant Director

**WSR 96-15-136**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed July 24, 1996, 11:31 a.m.]

Subject of Possible Rule Making: Amending WAC 458-20-101 Tax registration and 458-20-104 Small business tax relief based on volume of business.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300. The rule is being amended to implement the statutory changes to RCW 82.32.030, 82.32.045, and 82.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement portions of HB 2789 (chapter 111, Laws of 1996), which became effective July 1, 1996. This legislation allows the Department of Revenue to relieve taxpayers from the requirement to file tax returns if certain conditions are met. It provided relief for persons with income taxable under public utility tax from registering with the Department of Revenue under certain circumstances. It also increased the minimum tax reporting amounts for persons with income taxable under public utility tax.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies are directly affected by this rule.

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. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Gary Davis, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-7150, FAX (360) 664-0693.

Location and Date of Public Meeting: On August 28, 1996, at 10:00 a.m., at the Evergreen Plaza Building, 711 Capitol Way, Second Floor Conference Room, Olympia, WA.

July 24, 1996  
Claire Hesselholt  
Rules Coordinator

**WSR 96-15-138**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 24, 1996, 11:58 a.m.]

Subject of Possible Rule Making: Consider the petition from industry constituents to issue a marketing order to create a Washington State Canola/Rapeseed Commodity Commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Enabling Act of 1961, commodity boards, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Should a marketing order be created it will enable the commission to promote the general welfare of the state by enabling producers of rapeseed and canola to establish orderly, fair, sound, efficient and unhampered marketing processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture as provided for in HR 2509 enacted by the 104th Congress. RCW 15.65.590 gives authority for the director of agriculture to confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations.

Process for Developing New Rule: The issuance of a marketing order shall be accomplished according to the procedures set forth in chapter 15.65 RCW, Washington State Agricultural Enabling Act of 1961, which includes conducting a referendum vote of affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1928, FAX (360) 902-2089. A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed marketing order.

July 24, 1996  
Walter Swenson  
Agricultural Programs Administrator





**WSR 96-14-027**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed June 24, 1996, 12:50 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-16-057.

**Title of Rule:** Strengthens the enforcement of child care licensing and exempts friends and neighbors from family child care licensing.

**Purpose:** To implement portions of SHB 1906 (chapter 302, Laws of 1995) aimed at strengthening the application of child care licensing. New sections WAC 388-150-085 Initial license, 388-150-092 Civil penalties, 388-150-093 Civil penalties—Amount of penalty, 388-150-094 Civil penalties—Posting of notice of penalty, 388-150-095 Civil penalties—Unlicensed programs, 388-150-096 Civil penalties—Separate violations, 388-150-097 Civil penalties—Penalty for nonpayment, 388-105-098 Probationary license, 388-151-085 Initial license, 388-151-092 Civil penalties, 388-151-093 Civil penalties—Amount of penalty, 388-151-094 Civil penalties—Posting of notice of penalty, 388-151-095 Civil penalties—Unlicensed programs, 388-151-096 Civil penalties—Separate violations, 388-151-097 Civil penalties—Penalty for nonpayment, 388-151-098 Probationary license, 388-155-085 Initial license, 388-155-092 Civil penalties, 388-155-093 Civil penalties—Amount of penalty, 388-155-094 Civil penalty—Posting of notice of penalty, 388-155-095 Civil penalties—Unlicensed programs, 388-155-096 Civil penalties—Separate violations, 388-155-097 Civil penalties—Penalty for nonpayment and 388-155-098 Probationary license; and amending WAC 388-150-090 License denial, suspension, or revocation, 388-151-090 License denial, suspension, or revocation, 388-155-020 Scope of licensing, and 388-155-090 License denial, suspension, or revocation.

**Statutory Authority for Adoption:** RCW 74.15.030.

**Statute Being Implemented:** Chapter 74.15 RCW.

**Summary:** Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

**Reasons Supporting Proposal:** Permits an additional array of sanctions against child care facilities violating health and safety standards.

**Name of Agency Personnel Responsible for Drafting:** Barry Fibel, Olympia, 902-8041; **Implementation and Enforcement:** Karen Tvedt, Olympia, 902-8038.

**Name of Proponent:** Office of Child Care Policy, Division of Children and Family Services, 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:** Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

**Proposal Changes the Following Existing Rules:** Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

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

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**  
**FOR CIVIL MONETARY PENALTIES**

**Rule Summary:** These proposed new sections to chapters 388-150, 388-151 and 388-155 WAC, relate to civil monetary penalties. The rules will implement SHB 1906 (chapter 302, Laws of 1995), which authorizes the department to levy civil monetary penalties against child care programs which violate rules adopted under chapter 74.15 RCW or RCW 74.13.031 or which operate without a license as required by those chapters.

The authorizing legislation permits the department to levy a civil monetary penalty up to seventy-five dollars per violation for a family day care home and two hundred fifty dollars per violation for day care centers. The legislation authorizes the department to forgive a penalty if the facility comes into compliance.

The proposed rules would permit lesser penalties for some types of violations and would establish criteria and guidelines for the imposition of penalties and determining the amount to be levied.

**Background:** Prior to the adoption of SHB 1906 the department had little recourse in where a child care provider violated any requirements related to the health and safety of children except to suspend or revoke the facility's license or seek a court injunction. This process is very protracted and can be used only in the most blatant and imminent situations or after the fact. It frequently fails to safeguard the health and welfare of children in care.

The department has involved family home and center providers, parents, resource and referral agencies, and other interested persons in the development of the proposed rules. The department convened a one-day state-wide work group to provide initial advice on implementation of the legislation and the implementation process. It subsequently facilitated nineteen forums throughout the state to obtain community input. These forums, publicized through mailings and a press release, were sponsored in cooperation with local resource and referral agencies which list the providers in their respective communities. Significant positive media attention was given to the forums and nearly 600 people participated in the process. Working groups, formed from the state-wide work group, reviewed forum comments and developed rules to implement provisions of the law.

**Effect on Businesses:** The primary impact that the rule will have on those providers found in violation of requirements and notified of the department's intent to levy a penalty is that it would require them to document that they have corrected the cited delinquency during the notification period. This does not represent a new workload; current procedures include such a requirement.

The actual penalty itself, where one is imposed, represents a monetary loss to the facility. This is most often appropriate since so many of the violations involve a pecuniary motive on the part of the provider, such as understaffing for the number of children in care, failing to provide safe/developmentally appropriate equipment, under-feeding children, etc.

PROPOSED

**Economic Impact:** The businesses impacted by these rules fall under the SIC Code 8351 and include both family child care homes and child care centers.

There are currently 8,684 licensed family child care homes and 1,755 licensed day care centers (which care for more than twelve children and are generally not in the home of the provider). The rules also apply to unlicensed child care programs which are operating in violation of chapter 74.15 RCW. We currently have no way to count these providers.

Figures from employment security indicate that 9,453 persons were employed in child care. They also report only 975 reporting units. The figures appear to be grossly understated and do not, of course, include family child care home providers, who are essentially self-employed.

All 8,684 family child care homes are small businesses, employing fewer than fifty persons. Of the 1,755 day care centers, the majority are small businesses. Of that number, the programs that would qualify as large businesses would be those day care centers operated by chains such as Kinder Care, Children's World, and a some others owners [some other owners].

**Compliance Costs:** Small vs. large business.

The costs to the businesses would be essentially as stated in the legislation: Not in excess of seventy-five dollars per violation for family child care homes and not in excess of two hundred and fifty dollars per violation for day care centers.

The proposed rules, however, would permit the department to levy lesser amounts based on guidelines provided in the rules.

Civil penalties would not, of course, be levied against all the providers in the industry. Considering that only a small percentage of providers are chronic or egregious violators of the licensing standards, that a violator will be given notice and an opportunity to come into compliance during the notification period, and that the violator has the right to an adjudicative hearing, it is unlikely that more than one or two percent of the providers would be subject to a fine during any year.

**Mitigation:** For the most part, there is mitigation in the legislation itself. It permits a civil penalty up to \$250 per violation for day care centers, while the largest penalty allowed against a family child care home (such homes care for no more than twelve children) is \$75 per violation.

Further, however, the rules permit the imposition of lesser amounts to be based on guidelines including the size of the program and individual factors.

In addition, civil penalties will be imposed only after the facility found in violation has received notification and has had an opportunity to cure the noncompliance. Where the noncompliance is corrected or the unlicensed facility becomes licensed, the department may forgive the penalty which was to be imposed.

Lastly, the department will, in many instances, forgive a penalty where the offending provider attends additional training. The department sponsors such training in many communities through contracts with local resource and referral agencies.

A copy of the statement may be obtained by writing to: Barry Fibel, Office of Child Care Policy, P.O. Box 45700,

Olympia, WA 98504-5700, phone (360) 902-8041, or FAX (360) 902-7903.

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

**Hearing Location:** On August 29, 1996, at 10:00 a.m., at the Division of Children and Family Services, Tahoma Room, 1313 West Meeker #102, Kent, WA 98032; and on August 30, 1996, at 10:00 a.m., at the Division of Children and Family Services, Spokane County Health District, Room 140, West 1101 College Avenue, Spokane, WA 99201-2095.

**Assistance for Persons with Disabilities:** Contact Merry Kogut, Supervisor, by August 15, 1996, TDD (360) 753-0625, or (360) 664-2954.

**Submit Written Comments to:** Sharon Staley, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by August 30, 1996.

**Date of Intended Adoption:** September 2, 1996.

June 24, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-150-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

- (i) Staff-child interactions,
- (ii) Group size and staff-child ratios,
- (iii) Behavior management and discipline,
- (iv) Activity programs,
- (v) Child records and information, and
- (vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

**AMENDATORY SECTION** (Amending Order 3745 [3974], filed 6/22/94 [4/26/96], effective 7/23/94 [5/27/96])

**WAC 388-150-090 License denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider

the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a

license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205.

(6) The department may, during an investigation of a complaint of abuse or neglect in a child day care center or when it has sent a letter of intent to suspend, revoke or not renew a center's license, advise resource and referral agencies and offices responsible for payment for or placement of children in child care to cease referrals, placement, and/or authorization for payment for additional children in the facility.

If denial, suspension or revocation are then not pursued and concerns about the safety of children in the facility are resolved, the department shall promptly inform the alerted agencies of this fact so that they may lift any restrictions imposed.

**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.

#### NEW SECTION

**WAC 388-150-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service or registered mail which shall include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply shall depend on:

(a) The seriousness of the violation;

(c) The potential threat to the health, safety and welfare of children in care; and

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care center has previously been given 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 child in danger of death or bodily harm.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice.

(6) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding.

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

#### NEW SECTION

**WAC 388-150-093 Civil penalties—Amount of penalty.** (1) The department shall base the amount of the penalty assessed upon the following factors:

- (a) Willful or negligent noncompliance by the licensee;
- (b) History of noncompliance;
- (c) Extent of deviation from the requirements;
- (d) Evidence of a good faith effort to comply;
- (e) Size of the facility; and
- (f) Any other factors relevant to the unique situation.

(2) The amount of the penalties shall be in accordance with the following scale:

(a) Where the violation has harmed or threatened imminent harm to the health and safety of children but does not warrant license revocation, a civil penalty of two hundred fifty dollars for centers may be imposed as well as additional sanctions against the license and licensee, including a mandatory training requirement. Such situations may include:

- (i) Substantiation that a child (or children) was abused or neglected while in the care of the center;
- (ii) Disapproved fire safety or sanitation report;
- (iii) Use of unauthorized space for child care;
- (iv) Inadequate supervision of children;
- (v) Understaffing for the number of children in care;
- (vi) Noncompliance with requirements addressing:
  - (A) Children's health,
  - (B) Proper nutrition,
  - (C) Discipline,
  - (D) Emergency medical plan,
  - (E) Sanitation and personal hygiene practices.

(b) Where a violation has not harmed or threatened imminent harm to the health and safety of children, a maximum penalty of one hundred twenty-five dollars for centers may be charged as well as other sanctions including actions against the license and a mandatory training requirement. This includes the following violations:

- (i) Noncompliance with standards for:
  - (A) Age appropriate activities,
  - (B) Staff health requirements,
  - (C) Staff development,
  - (D) Staff qualifications,
  - (E) Indoor and outdoor space,

(F) Emergency medical plan.

(ii) Failure to comply with a corrective action plan;

(iii) Failure to post a probationary license;

(iv) Failure to maintain accurate records.

(3) Violation of other standards may result in the assessment of a penalty according to the effect or potential effect of the violation on the health, safety or well-being of the child.

#### NEW SECTION

**WAC 388-150-094 Civil penalties—Posting of notice of penalty.** (1) The licensee shall post the final notice of an civil penalty in a conspicuous place in the facility.

(b) The notice shall remain posted until payment is received by the department.

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

#### NEW SECTION

**WAC 388-150-095 Civil penalties—Unlicensed programs.** (1) The department shall send written notice to an unlicensed child care provider of the need to be licensed and how to contact an office of child care policy office to initiate the process and submit an application within thirty days of receipt of the notice.

(2) Where the provider fails to do so in a thirty-day period, after ascertaining that the provider is in fact providing care, the department will notify the provider of the imposition of a civil monetary penalty of seventy-five dollars per day and of the effective date of the civil penalty.

(3) The penalty may be forgiven if the provider submits an application within thirty days.

#### NEW SECTION

**WAC 388-150-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed up to the maximum allowable for each day the violation continues.

#### NEW SECTION

**WAC 388-150-097 Civil penalties—Penalty for nonpayment.** Penalty for nonpayment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

#### NEW SECTION

**WAC 388-150-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
  - (i) Children's health,
  - (ii) Proper nutrition,
  - (iii) Discipline,
  - (iv) Emergency medical plan,
  - (v) Sanitation and personal hygiene practices.
- (3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

#### NEW SECTION

**WAC 388-151-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

- (i) Staff-child interactions,
- (ii) Group size and staff-child ratios,
- (iii) Behavior management and discipline,
- (iv) Activity programs,
- (v) Child records and information, and
- (vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained

in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

**AMENDATORY SECTION** (Amending Order 3493 [3974], filed 12/30/92 [4/26/96], effective 1/30/93 [5/27/96])

**WAC 388-151-090 License denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider their qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing, shall be governed under RCW 43.20.205.

(6) The department may, during an investigation of a complaint of abuse or neglect in a child day care center or when it has sent a letter of intent to suspend, revoke or not renew a center's license, advise resource and referral agencies and offices responsible for payment for or placement of children in child care to cease referrals, placement, and/or authorization for payment for additional children in the facility.

If denial, suspension or revocation are then not pursued and concerns about the safety of children in the facility are resolved, the department shall promptly inform the alerted agencies of this fact so that they may lift any restrictions imposed.

**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.

#### NEW SECTION

**WAC 388-151-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service or registered mail which shall include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with department.

(2) The length of time in which to comply shall depend on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in care; and

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care center has previously been given 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 child in danger of death or bodily harm.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice.

(6) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding.

#### NEW SECTION

**WAC 388-151-093 Civil penalties—Amount of penalty.** (1) The department shall base the amount of the penalty assessed upon the following factors:

(a) Willful or negligent noncompliance by the licensee;

(b) History of noncompliance;

(c) Extent of deviation from the requirements;

(d) Evidence of a good faith effort to comply;

(e) Size of the facility; and

(f) Any other factors relevant to the unique situation.

(2) The amount of the penalties shall be in accordance with the following scale:

(a) Where the violation has harmed or threatened imminent harm to the health and safety of children but does not warrant license revocation, a civil penalty of two hundred fifty dollars for centers may be imposed as well as additional sanctions, including a mandatory training requirement. Such situations may include:

(i) Substantiation that a child (or children) was abused or neglected while in the care of the center;

(ii) Disapproved fire safety or sanitation report;

(iii) Use of unauthorized space for child care;

(iv) Inadequate supervision of children;

(v) Understaffing for the number of children in care;

(vi) Noncompliance with requirements addressing:

(A) Children's health,

(B) Proper nutrition,

(C) Discipline,

(D) Emergency medical plan,

(E) Sanitation and personal hygiene practices.

(b) Where a violation has not harmed or threatened imminent harm to the health and safety of children, a

maximum penalty of one hundred twenty-five dollars for centers may be charged as well as other sanctions including a mandatory training requirement. This includes the following violations:

- (i) Noncompliance with standards for:
    - (A) Age appropriate activities,
    - (B) Staff health requirements,
    - (C) Staff development,
    - (D) Staff qualifications,
    - (E) Indoor and outdoor space,
    - (F) Emergency medical plan.
  - (ii) Failure to comply with a corrective action plan;
  - (iii) Failure to post a probationary license;
  - (vi) Failure to maintain accurate records.
- (3) Violation of other standards may result in the assessment of a penalty according to the effect or potential effect of the violation on the health, safety or well-being of the child.

#### NEW SECTION

**WAC 388-151-094 Civil penalties—Posting of notice of penalty.** (1) The licensee shall post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

#### NEW SECTION

**WAC 388-151-095 Civil penalties—Unlicensed programs.** (1) The department shall send written notice to an unlicensed child care provider of the need to be licensed and to contact an office of child care policy office to initiate the process and submit an application within thirty days of receipt of the notice.

(2) Where the provider fails to do so in a thirty-day period, after ascertaining that the provider is in fact providing care, the department will notify the provider of the imposition of a civil monetary penalty of seventy-five dollars per day and of the effective date of the civil penalty.

(3) The penalty may be forgiven if the provider submits an application within the thirty days.

#### NEW SECTION

**WAC 388-151-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed up to the maximum allowable for each day the violation continues.

#### NEW SECTION

**WAC 388-151-097 Civil penalties—Penalty for nonpayment.** Penalty for nonpayment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

#### NEW SECTION

**WAC 388-151-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
  - (b) History of noncompliance,
  - (c) Extent of deviation from the requirements,
  - (d) Evidence of a good faith effort to comply,
  - (e) Any other factors relevant to the unique situation.
- (2) Where the negligent or willful violation of the licensing law does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
  - (i) Children's health,
  - (ii) Proper nutrition,
  - (iii) Discipline,
  - (iv) Emergency medical plan,
  - (v) Sanitation and personal hygiene practices.

(3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

**AMENDATORY SECTION** (Amending Order 3745, filed 6/22/94, effective 7/23/94)

**WAC 388-155-020 Scope of licensing.** (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request.

**(3)(a) RCW 74.15.020 (4)(c)(i) exempts from licensing persons who care for a neighbor's or friend's child or children, with or without compensation, where:**

**(i) Care is provided for less than twenty-four hours; and**



(ii) Such activity is not conducted on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to advertising such care.

(b) For purposes of this section:

(i) "Advertising" means attempting to solicit child care clients, either directly or indirectly, through written, or electronic means;

(ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed \$1,000 in any one calendar quarter or year consistent with the Internal Revenue Services earnings standard for tax liability related to household employees;

(iii) "Friend" means someone with whom the care provider had a personal relationship prior to the time care was sought, offered, or provided;

(iv) "Neighbor" means a person with whom the care provider has relationship by virtue of living in close proximity to the person;

(v) "Ongoing" means that care is provided for a number of consecutive weeks or months or there is no specific time frame for ending child care;

(vi) "Regularly scheduled" means that the child comes at usually planned times and/or days and/or the provider makes her/himself available to provide care at fixed or planned intervals.

(4) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

~~((4))~~ (5) The department may certify a family day care home for payment without further investigation if the home is:

- (a) Licensed by an Indian tribe; or
- (b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

~~((5))~~ (6) The person or organization desiring to serve state-paid children shall:

- (a) Be licensed or certified;
- (b) Follow billing policies and procedures in *Child Day Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

## NEW SECTION

**WAC 388-155-085 Initial license.** (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

- (a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but
- (b) Cannot demonstrate compliance with the rules pertaining to:
  - (i) Provider-child interactions,

- (ii) Capacity,
- (iii) Behavior management,
- (iv) Activity and routines,
- (v) Child records and information, and
- (vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

**AMENDATORY SECTION** (Amending Order 3745 [3974], filed 6/22/94 [4/26/96], effective 7/23/94 [5/27/96])

**WAC 388-155-090 License denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

- (a) Shall consider the persons' qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

- (a) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:



- (i) Making a materially false statement on the application; or
- (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;
- (d) Violates any condition or limitation on licensure including, but not limited to:
  - (i) Permitting more children on the premises than the number for which the home is licensed; or
  - (ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.
- (e) Fails to provide adequate supervision to a child in care;
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;
- (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department-requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing shall be governed under RCW 43.20A.205.

(6) The department may, during an investigation of a complaint of abuse or neglect in a family child care home or when it has sent a letter of intent to suspend, revoke or not renew a home's license, advise resource and referral agencies and offices responsible for payment for or placement of children in child care to cease referrals, placement, and/or authorization for payment for additional children in the facility.

If denial, suspension or revocation are then not pursued and concerns about the safety of children in the facility are resolved, the department shall promptly inform the alerted agencies of this fact so that they may lift any restrictions imposed.

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.

## NEW SECTION

**WAC 388-155-092 Civil penalties.** (1) Before imposing a civil penalty, the department shall provide written notification by personal service or registered mail which shall include:

- (a) A description of the violation and citation of the applicable requirement or law;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance;
- (d) The maximum allowable penalty if timely compliance is not achieved;
- (e) The means to contact any technical assistance services provided by the department or others; and
- (f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply shall depend on:

- (a) The seriousness of the violation;
  - (b) The potential threat to the health, safety and welfare of children in care; and
  - (c) Previous opportunities to correct the deficiency.
- (3) The department may impose a civil penalty based on but not limited to these reasons:

- (a) The child care home has previously been subject to an enforcement action for the same or similar type of violation of the same stature or rule; or
- (b) The child care home has previously been given notice of the same or similar type of violation of the same stature or rule; or
- (c) The violation has a probability of placing a child in danger of death or bodily harm.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice.

(6) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding.

## NEW SECTION

**WAC 388-155-093 Civil penalties—Amount of penalty.** (1) The department shall base the amount of the penalty (up to the maximum allowed) to be assessed upon the following factors:

- (a) Willful or negligent noncompliance by the licensee;
- (b) History of noncompliance;
- (c) Extent of deviation from the requirements;
- (d) Evidence of a good faith effort to comply;
- (e) Size of the facility; and
- (f) Any other factors relevant to the unique situation.

(2) The amount of the penalties shall be in accordance with the following scale:

- (a) Where the violation has harmed or threatened imminent harm to the health and safety of children but does not warrant license revocation, a civil penalty of seventy-five dollars for family child care homes may be imposed as well

as additional sanctions against the license and licensee, including a mandatory training requirement. Such situations may include:

- (i) Substantiation that a child (or children) was abused or neglected while in the care of the center;
- (ii) Disapproved fire safety or sanitation report;
- (iii) Use of unauthorized space for child care;
- (iv) Inadequate supervision of children;
- (v) Understaffing for the number of children in care;
- (vi) Noncompliance with requirements addressing:
  - (A) Children's health,
  - (B) Proper nutrition,
  - (C) Discipline,
  - (D) Emergency medical plan, or
  - (E) Sanitation and personal hygiene practices.

(b) Where a violation has not harmed or threatened imminent harm to the health and safety of children, a maximum penalty of fifty dollars for homes may be charged as well as other sanctions including actions against the license and licensee and including a mandatory training requirement. This includes the following violations:

- (i) Noncompliance with standards for:
    - (A) Age appropriate activities,
    - (B) Staff health requirements,
    - (C) Staff development,
    - (D) Staff qualifications,
    - (E) Indoor and outdoor space, or
    - (F) Emergency medical plan.
  - (ii) Failure to comply with a corrective action plan;
  - (iii) Failure to post a probationary license;
  - (iv) Failure to maintain accurate records.
- (3) Violation of other standards may result in the assessment of a penalty according to the effect or potential effect of the violation on the health, safety or well-being of the child.

#### NEW SECTION

**WAC 388-155-094 Civil penalty—Posting of notice of penalty.** (1) The licensee shall post the final notice of an civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

#### NEW SECTION

**WAC 388-155-095 Civil penalties—Unlicensed programs.** (1) The department shall send written notice to an unlicensed child care provider of the need to be licensed and to contact an office of child care policy office and submit an application within thirty days of receipt of the notice.

(2) Where the provider fails to do so in a thirty-day period, after ascertaining that the provider is in fact providing care, the department will notify the provider of the imposition of a civil monetary penalty of seventy-five dollars per day and of the effective date of the civil penalty.

(3) The penalty may be forgiven if the provider submits an application within thirty days.

#### NEW SECTION

**WAC 388-155-096 Civil penalties—Separate violations.** Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed up to the maximum allowable for each day the violation continues.

#### NEW SECTION

**WAC 388-155-097 Civil penalties—Penalty for nonpayment.** The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

#### NEW SECTION

**WAC 388-155-098 Probationary license** (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
  - (i) Children's health,
  - (ii) Proper nutrition,
  - (iii) Discipline,
  - (iv) Emergency medical plan,
  - (v) Sanitation and personal hygiene practices.

(3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

**WSR 96-14-075**  
**PROPOSED RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed June 28, 1996, 4:42 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-05-070.

**Title of Rule:** SWAPCA 476 Standards for Asbestos Control, Demolition, and Renovation.

**Purpose:** The purpose of this regulation is to control asbestos emissions from renovation and demolition activities that disturb or have the potential to disturb asbestos containing material. This regulation establishes local requirements consistent with the federal requirements under 40 CFR 61 Subpart M.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** The proposed changes incorporate federal requirements for notification, reporting, and control of asbestos containing material for renovation and demolition activities and provide for alternative temporary on-site storage facilities.

**Reasons Supporting Proposal:** The proposed changes more fully incorporate the federal requirements contained in 40 CFR 61 Subpart M that has been delegated to the Southwest Air Pollution Control Authority by the Environmental Protection Agency.

**Name of Agency Personnel Responsible for Drafting:** Jerry Bradford, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; **Implementation:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and **Enforcement:** Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** No.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed changes incorporate specific language from 40 CFR 61 Subpart M for definitions, provides specific requirements for renovation activities separate from demolition activities, provides an exemption for small quantities of asbestos containing materials, provides for alternative asbestos removal methods, provides for temporary asbestos storage facilities, and provides for demolition by intentional burning.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes made to SWAPCA 476 are consistent with federal rules already in effect under 40 CFR 61 Subpart M. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1),

section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking section 201, chapter 403, Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on September 17, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by September 7, 1996, TDD (360) 574-3058.

**Submit Written Comments to:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by September 7, 1996.

**Date of Intended Adoption:** September 17, 1996.

June 25, 1996

Robert D. Elliott  
 Executive Director

### SWAPCA 476

#### STANDARDS FOR ASBESTOS CONTROL, DEMOLITION, AND RENOVATION

#### SWAPCA

- 476-010 Purpose
- 476-020 Applicability
- 476-030 Definitions
- 476-040 Asbestos Survey Requirements
- 476-050 Notification Requirements and Fees
- 476-060 Procedures for Asbestos Emission Control
- 476-070 Disposal of Asbestos-Containing Waste Material
- 476-080 Demolition By Intentional Burning
- 476-090 Severability

#### **SWAPCA 476-010 Purpose**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

The purpose of this regulation is to control asbestos emissions from the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

#### NEW SECTION

#### **SWAPCA 476-020 Applicability**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

This regulation shall apply to all demolition and renovation activities, removal of asbestos containing material, storage, transport, and disposal of asbestos containing materials and other specific activities as referenced in 40 CFR 61.140 et seq. (Subpart M).

#### AMENDATORY SECTION

#### **SWAPCA 476-030 Definitions**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

PROPOSED

(1) "Adequately wet" means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

(2) "AHERA Building Inspector" means a person who has successfully completed the training requirements for a building inspector established by the EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act - AHERA)

(3) "AHERA Project Designer" means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.

(24) "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

(35) "Asbestos-Containing Material" means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include nonfriable asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

(a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and

(b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and

(c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(d) The building, vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.

(46) "Asbestos-Containing Waste Material" means any waste that contains, or is contaminated with, asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos containing material taken for testing or enforcement actions.

(57) "Asbestos Project" means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance

and other non-abatement projects that may minimally disturb ACM.

(68) "Asbestos Survey" means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior approval from the Authority, to determine whether materials or structures to be worked on, removed, remodeled, renovated or demolished, (including material on the outside of structures) contain asbestos. ~~In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.~~

(79) "Authority" or "Agency" means the Southwest Air Pollution Control Authority (SWAPCA).

(810) "Certified Asbestos Worker/Supervisor" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.

(911) "Collected for Disposal" means sealed in a leak-tight container while adequately wet.

(12) "Competent Person" means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

(103) "Component" means any equipment, pipe, structural member, or other item covered with, coated with, or ~~manufactured from~~ containing asbestos-containing material.

(144) "Controlled Area" means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access. For residential owner-occupied, single-family residence dwellings, the controlled area is the interior of the dwelling.

(125) "Demolition" means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For residential owner-occupied, single-family residence dwellings, a demolition means the wrecking, dismantling, or removal of any load bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.

(136) "Emergency Asbestos Project" or "Emergency Renovation Project" means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or of vital utilities. Such events may include earthquakes, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.

(147) "Encapsulant" means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

(158) "**Encapsulation**" means the application of an encapsulant on surfaces that are covered, coated or manufactured from asbestos containing material to control the release of asbestos fibers into the air. For purposes of this regulation, encapsulation includes the construction of enclosures.

(169) "**Enclosure**" means an permanent airtight protective overlay, such as a ceiling, floor, or wall or a plastic wrapper or barrier, covering surfaces that are coated with, covered with, or manufactured from containing asbestos-containing material to control the release of asbestos fibers into the air.

(20) "**Friable Asbestos-Containing Material**" means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(4721) "**HEPA Filter**" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.

(4822) "**Leak Tight Container**" means a dust tight container, at least 6 mil thick, that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.

(4923) "**Local Exhaust Ventilation and Collection System**" means a system as described in Appendix J of EPA 560/565-024, *Guidance for Controlling Asbestos-Containing Materials in Buildings*.

(24) "**Nonfriable Asbestos-Containing Material**" means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(205) "**Owner**" or "**Operator**" means any person who owns, leases, operates, controls, or is responsible for activities at an ~~asbestos~~ project site, or an ~~asbestos~~ project operation, or both.

(26) "**Owner-Occupied, Single-Family Residence**" means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(27) "**Person**" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(28) "**Presumed Asbestos Containing Material**" means thermal system insulation and surfacing material found in buildings constructed no later than 1980 (29 CFR 1926.1101).

(29) "**Project**" means an asbestos project, maintenance activity, renovation, or demolition activity.

(4930) "**Renovation**" means the modification of any existing building, vessel, structure, component, or portion thereof, involving the removal, encapsulation, alteration,

disposal, or disturbance of any asbestos-containing material, or a project that is releasing, or likely to release asbestos fibers into the air. A renovation project is only covered under this regulation if the renovation involves asbestos-containing material or the potential to disturb asbestos-containing material. If no asbestos-containing material is present on the project, there are no notification requirements or special handling procedures.

(22) "**Residential dwelling**" means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and homes with a "mother-in-law apartment" or "guest room". This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(31) "**Suspect Asbestos-Containing Material**" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.

(2332) "**Visible Emissions**" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.

(2433) "**Waste Generator**" means any owner or operator of a source whose act or process produces asbestos-containing waste material.

(2534) "**Waste Shipment Record**" means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.

(2635) "**Working Day**" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

## NEW SECTION

### **SWAPCA 476-040 Asbestos Survey Requirements**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

#### **(1) Renovation**

(a) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-

containing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos except for renovations of an owner-occupied, single-family residence performed by the owner/occupant, however, must handle all presumed asbestos-containing material as provided in SWAPCA 476-050.

**(2) Demolition**

(a) Prior to performing any demolition project the property owner or the owner's agent shall obtain an asbestos survey of the facility or part of the facility where the demolition will occur for the presence of asbestos. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos-containing materials.

(e) Regardless of the amount of asbestos-containing material present (including none), a Notification of a Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification.

(f) If the facility is to be demolished by intentional burning, all the asbestos-containing material shall be removed as an asbestos project in accordance with SWAPCA 476-080.

**AMENDATORY SECTION**

**SWAPCA 476-040050 Notification Requirements and Fees**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) **Applicability.** ~~It shall be unlawful for any No person to shall cause or allow work on an asbestos project, maintenance, renovation, or demolition activity involving asbestos containing material unless the owner or operator has filed submitted with the Authority a complete written noticeefication to the Authority on Authority approved forms, in accordance with the advance notification period requirements and fees as provided in SWAPCA 476-050(2). as follows:~~

(a) ~~A written "Notice of Intent to Remove or Encapsulate Asbestos" shall be submitted on Authority provided forms by the owner or operator for the approval by the Authority before any work on an asbestos project begins; An Asbestos Notification is not required for any asbestos project involving less than 10 linear feet or 48 square feet (per~~

structure, per year) of any asbestos-containing material unless the facility is to be demolished by intentional burning. If the facility is to be demolished by intentional burning, all asbestos-containing material shall be removed as an asbestos project. An Asbestos Notification is not required for removal of nonfriable roofing material. The owner/operator shall maintain documentation to substantiate qualification for the exemption;

(b) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification;

~~(bc) A written "Notice of Intent to Remove or Encapsulate Asbestos" The approval date to perform a project will be from the date that all required submittals and fees are received at SWAPCA;~~

(d) The duration of the asbestos project, maintenance activity, renovation, or demolition activity or project shall not exceed one (1) year beyond the original project starting date, and shall have a The project starting and completion date for an asbestos project shall be that is commensurate with the amount of asbestos-containing material involved. In no event shall a project or activity start or end on a date other than the date contained on the notification;

~~(ee) The written noticeefication shall expire on the project completion date as specified by the owner or operator and shall be accompanied by the appropriate fee at the time of the submittal in accordance with SWAPCA 476-040(2);~~

(ef) A copy of the approved written noticeefication, all amendments and the asbestos survey shall be available for inspection at the asbestos project site at all times until completion of the project; and

~~(f) Each written notice shall include the following information:~~

~~(i) The scheduled starting and completion dates of the asbestos project;~~

~~(ii) The complete street address or location(s) of the asbestos project, including the city, zip code, and county;~~

~~(iii) The description, specific location(s) at the project site, and amount (in linear feet for pipes and square feet for other components) of asbestos containing material involved in the project. If an asbestos project involves a volume amount, then each cubic foot of asbestos containing material must be converted to twelve (12) square feet of asbestos-containing material;~~

~~(iv) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos project;~~

~~(v) The description, size (total square feet and number of floors), and approximate age of the structure, vessel, or building;~~

~~(vi) The type of asbestos project involved and the method that will be used to accomplish it;~~

~~(vii) The procedures that will be used to comply with the asbestos emission control and disposal requirements of SWAPCA 476-050 and 476-060; and~~

~~(viii) The name and location of the waste disposal site where asbestos containing waste material will be deposited.~~

(g) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date later than the date contained in the original notification, the owner/operator or the owner's agent shall notify SWAPCA by telephone as soon as possible before the original start date and provide written notification (facsimile acceptable) to SWAPCA of the new start date no later than the original start date. In no event shall a project or activity begin on a date other than the date indicated in the revised notification;

(h) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date earlier than the one contained in the original notification, the owner/operator or owner's agent shall provide written notification (facsimile acceptable) to SWAPCA of the new start date at least 10 working days before commencement of the project or activity. In no event shall a project or activity begin on a date other than the date indicated in the revised notification; and

(g) Upon completion of an asbestos project, the owner or operator shall provide written confirmation to the Authority within 30 days of completion. This written confirmation of project completion shall contain as a minimum the project name and location, date of completion, actual quantity of asbestos containing material removed, and the name of the disposal facility.

(i) All asbestos projects, maintenance, renovation or demolition activities shall be completed on the date identified on the notification. When a project or activity will be completed prior to the date specified on the notification, the owner or operator shall notify SWAPCA by telephone as soon as possible but in no event later than the actual completion date. The owner or operator shall provide SWAPCA with written notification (facsimile acceptable) of actual completion within 5 calendar days if the completion date is before the date on the notification. If the actual completion date will be after the date indicated on the notification, the owner or operator shall submit an amendment to the written notification with the new completion date (facsimile acceptable) to SWAPCA prior to the completion date on the original or amended previous notification.

(2) Advance Notification Period and Fee. Any notification required by SWAPCA 476-040050(1) shall be considered incomplete until all the information required by SWAPCA 476-040050(1) is received by the Authority and accompanied by the appropriate fee. A facsimile of the completed notification form shall be acceptable documentation for the start of the notification period, but the appropriate fee shall be received before the project can proceed ~~be~~ approved. The advance notification period and appropriate fee shall be determined as follows:

PROPOSED

Asbestos Project Type	Notification Period	Notification Fee	Forms Required
<u>Owner-Occupied, Single Family Asbestos - Occupant Performed Residential</u>	<u>Prior Notification</u>	<u>\$ 25</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&lt; 10 linear ft &lt; 11 square ft Asbestos</u>	<u>Prior Notification None</u>	<u>\$ 25 None</u>	<u>Notification to perform an Asbestos Project None</u>
<u>10-26059 linear ft 11-16059 square ft Asbestos</u>	<u>10 Working Days</u>	<u>\$ 100</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&gt;260-999 linear ft &gt;160-4999 square ft</u>	<u>10 Working Days</u>	<u>\$ 250</u>	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>&gt; 1000 linear ft &gt; 5,000 square ft</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Asbestos Notification</u>

PROPOSED

Amendments to All Projects	Prior Notification Required	\$ 25 3rd amendment & after	Amended Copy of Asbestos Approved Notification
<u>Annual Asbestos Notification</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Annual Asbestos Notification</u>
<u>Renovation With Asbestos</u>	<u>10 Working Days</u>	<u>Normal Asbestos Fee</u>	<u>Asbestos Notification</u>
<u>Renovation Without Asbestos</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Demolition With Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50 Plus Normal Asbestos Fee</u>	<u>Asbestos Notification &amp; Demolition Notification</u>
<u>Demolition Without Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50</u>	<u>Demolition Notification</u>
<u>Temporary Asbestos Storage Facility</u>	<u>Prior Notification</u>	<u>\$ 50</u>	<u>Temporary Storage Facility Application</u>
Emergencies All projects that normally require a 10 working day notification period	Prior Notification Required	<u>\$ 25 Plus Normal Double the Normal Notification Fee</u>	Emergency Waiver Request Letter (submitted by property owner)

(3) **Annual notification.** In addition to lieu of the notification requirements of SWAPCA 476-040050(1) and 476-040050(2), the owner or operator of a facility may file for approval by submit to the Authority an annual written notification to conduct asbestos projects (not including demolition or renovation) on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of SWAPCA 476-040050 (1)(a) through 476-040 (1)(d), 476-040 (1)(g) and 476-040(2) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) ~~Conditions:~~

(i) Annual written notifications shall be submitted to the Authority for approval before commencing work on any asbestos projects specified in an annual application.

(ii) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.

(iii) ~~The notification requirements of SWAPCA 476-040(1) and 476-040(2) shall apply to a~~ Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for each building, vessel, or structure at the facility, ~~including residential dwellings shall be subject to the notification requirements of SWAPCA 476-050(1) and 476-050(2) in addition to the annual notification requirements.~~

(iv) A copy of the approved annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.

(v) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:

(A) All asbestos-containing waste material shall be treated in accordance with SWAPCA 476-060070(1)(a), 476-060 (1)(b), and 476-060 (1)(e); and

(B) Accumulated asbestos-containing waste materials collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and

(C) For storage of asbestos-containing waste material longer than 10 days, the owner/operator or owner's agent shall apply to SWAPCA for a Temporary Asbestos Storage Facility Authorization. All stored asbestos-containing waste material shall be deposited at a waste disposal site within ninety (90) calendar days after collection for disposal, except as otherwise approved by the Authority unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. Asbestos-containing waste material shall only be disposed of at sites The waste disposal site shall be operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(b) ~~Reporting Requirements and Fees.~~ Annual written notifications required by Section 476-040 (3)(a) shall be submitted by the facility owner or operator on forms provided by the Authority. Notifications shall be submitted



for approval by the Authority at least 10 days in advance of the start date and shall be accompanied by an annual fee of \$500 as identified in SWAPCA 476-050(2).

(eg) ~~Quarterly Reporting Requirements.~~ In addition to the written annual notification requirements of Section 476-040(3)(e), ~~+~~ The facility owner or operator shall submit quarterly written reports to the Authority within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by the Authority or an alternate format approved by the Authority.

(4) ~~Amendments. It shall be unlawful for any person to cause or allow any deviation from the information contained in a written notice unless a~~ An amended notification has been received and approved by shall be submitted to the Authority prior to deviating from any of the information contained in a notification. Amended notifications addressed by this section shall be filed by the original applicant, received by the Authority no later than the last filed completion date, and are limited to the following revisions:

(a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for ~~each~~ the new job size category as specified in Section SWAPCA 476-040050(2);

(b) ~~The asbestos or demolition project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended notifications applications filed in accordance with SWAPCA 476-040(4) and approved by the Authority. If an amended notification application results in a job size category that requires a waiting period as specified in SWAPCA 476-040050(2) and the original notification application did not require a waiting period, the advance notification period shall commence on the approval date of the original application was submitted;~~

(c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;

(e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWAPCA 476-050060 and 450-060070;

(f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and

(g) Any other information requested by the Authority.

#### (5) ~~Exemptions~~ Emergencies.

(a) ~~The Authority may waive the required ten (10) working day advance notification period in SWAPCA 476-040(b) for an asbestos project if the facility owner demonstrates to the Authority that there is an emergency as follows if the property owner or occupant demonstrates in writing to the Authority that an asbestos project or maintenance, renovation or demolition activity must be conducted immediately because of any of the following:~~

(a) ~~There was a sudden, unexpected event that resulted in a public health or safety hazard; or Emergency Asbestos Removal-Renovation. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an asbestos project. The request shall be submitted for approval by the Authority and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).~~

(b) ~~The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or Emergency Asbestos Removal-Demolition. The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an emergency demolition operation if the request is accompanied by a copy of an order from a federal, state, or local government agency that requires demolition before the ten (10) working day advance notification period has elapsed. The request and copy of the order shall be submitted to the Authority for approval and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).~~

(iii) ~~The project must proceed to avoid imposing an unreasonable burden.~~

(b) ~~Each emergency waiver request shall include a fee as identified in SWAPCA 476-050(2).~~

(c) ~~If the emergency asbestos project occurs during nonbusiness hours, notification to SWAPCA must occur no later than the next business day.~~

### AMENDATORY SECTION

#### SWAPCA 476-050060 Procedures for Asbestos Emission Control

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) ~~Project requirements. It shall be unlawful for any person to~~ No person shall cause or allow work on an asbestos project unless the following procedures are employed, ~~except as provided in SWAPCA 476-060(2):~~

(a) Any work on an asbestos project shall be performed by certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. This requirement shall not apply to certain limited asbestos projects conducted in accordance with SWAPCA 400-050060(2) for ~~residential~~ owner-occupied, single-family dwellings performed by the owner/occupant.

(b) ~~The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.~~

(bc) ~~All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.~~

(ed) ~~No visible emissions shall result from an asbestos project.~~

(de) ~~All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:~~

(i) ~~Kept adequately wet until collected for disposal;~~

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(ii) Collected for disposal at the end of each working day;

(iii) Contained in a controlled area at all times until transported to a waste disposal site; and

(iv) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or

(v) Transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.

(ef) Mechanical assemblies or components covered with, coated with, or ~~manufactured from~~ containing asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and shall be labeled in accordance with SWAPCA 476-~~06070~~ (1)(a)(iii).

(i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.

(ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak tight wrapping if:

(A) All access to the asbestos-containing material is welded shut; or

(B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand; and

(C) The components are labeled in accordance with SWAPCA 476-~~06070~~ (1)(a)(iii).

(f) Local exhaust ventilation and collection systems used on an asbestos project shall:

(i) Be maintained to ensure the integrity of the system; and

(ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing of all components inside the enclosure. When available, existing windows may be utilized for viewing ports.

(g) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.

(2) **Exemptions for residential Owner-Occupied, Single-Family Dwellings.** The requirements of SWAPCA 476-~~05060~~ (1)(a) shall not apply to asbestos projects conducted in a residential owner-occupied, single-family dwelling by the resident owner of the dwelling.

~~(3) Demolition requirements. It shall be unlawful for any person to cause or allow the demolition of any building, vessel, structure, or portion thereof, unless all asbestos-containing materials have been removed from the area to be demolished. It shall be unlawful for any person to cause or allow any demolition that would disturb asbestos-containing material or prevent access to the asbestos-containing material for removal and disposal.~~

#### Alternate Means of Compliance.

#### (a) Friable Asbestos-Containing Material Alternative Removal Methods

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Authority that the planned control method will be effective as the work practices contained in SWAPCA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternate removal method for cause.

#### (b) Nonfriable Asbestos-Containing Material Alternative Removal Methods

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the authority that the planned control method will be equally as effective as the work practices in SWAPCA 476-060(1) in controlling asbestos emissions.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternative removal method for cause.

#### (c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Authority that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Alternate Approval Notification for cause.

~~(4) Demolition removal exemptions. Asbestos-containing material need not be removed before the demolition of any building, vessel, structure, or portion thereof, if:~~

~~(a) The asbestos-containing material is on a component that is encased in concrete or other material determined by the Control Officer to be equally effective in controlling~~

asbestos emissions. In this case, the notification requirements of SWAPCA 476-040 shall apply and these materials shall be kept adequately wet whenever exposed during demolition until disposed of in accordance with SWAPCA 476-060 (1)(b); or

(b) The asbestos-containing material could not be removed prior to demolition because it was not accessible until after demolition began. In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos-containing material and asbestos-contaminated debris shall be kept adequately wet at all times until disposed of in accordance with SWAPCA 476-060 (1)(b); or

(c) The material was not accessible for removal because of hazardous conditions. Such conditions may include environments that are contaminated by toxic substances, structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. Under such conditions, the facility owner or operator may submit a signed written request for conditional approval to the Authority for approval to waive the requirements of SWAPCA 476-050(3). In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos-containing material and asbestos-contaminated debris shall be kept adequately wet at all times unless otherwise approved by the Authority until disposed of in accordance with SWAPCA 476-060 (1)(b). Evidence of the hazardous condition, as documented by a state or local government agency, shall accompany the written request in addition to the completed notification and appropriate fee as identified in SWAPCA 476-040. The request for exemption from SWAPCA 476-050(3) shall include, at a minimum:

(i) The complete name, mailing address, and telephone number of the owner or operator of the facility, including the city, zip code, and county;

(ii) The complete street address or location of the demolition site, including the city, zip code, and county;

(iii) The name, title, and authority of the state or local government representative who has determined the hazardous condition;

(iv) A description of the hazardous condition that prevents the removal of asbestos-containing material prior to demolition, including the amount, type, and specific location(s) within the structure of such materials; and

(v) The procedures that will be used to prevent the release of asbestos fibers into the ambient air.

(5) Alternative control measures. The owner or operator of an asbestos project may submit a signed written request to use an alternative control measure that is equally effective in controlling asbestos emissions for conditional approval by the Control Officer. The written request shall include, at a minimum:

(a) The complete name, mailing address, and telephone number of the owner or operator of the asbestos project, including the city and zip code;

(b) The complete street address or location of the site, including the city, zip code, and county;

(c) A description of the material, including the type and percentage of asbestos in the material, total amount of material involved, and the specific location(s) of the material on the site; and

(d) The reason why an alternative control measure is required and a description of the proposed alternative control measure to be employed, including the procedures that will be used to prevent the release of asbestos fibers into the ambient air.

Exceptions for Hazardous Conditions. Asbestos-containing material need not be removed prior to a demolition if the property owner demonstrates to the Authority that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing material.

## AMENDATORY SECTION

### SWAPCA 476-060070 Disposal of Asbestos-Containing Waste Material

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) Disposal Requirements. ~~It shall be unlawful for any person to~~ No person shall cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material:

(a) Treat all asbestos-containing waste material as follows:

(i) Adequately wet all asbestos-containing waste material and mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry;

(ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;

(iii) Permanently (indelible markers or labels made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated;

(iv) Ensure that the exterior of each container is free of all asbestos residue; and

(v) Exhibit no visible emissions during any of the operations required by this section.

(b) All asbestos-containing waste material shall be deposited within ten (10) calendar days after collection for disposal at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. ~~This requirement is modified by SWAPCA 476-040(3) for asbestos-containing waste material from asbestos projects conducted under annual applications.~~ Asbestos-containing waste material may

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remain onsite longer than 10 if the facility has a current Temporary Asbestos Storage Facility Authorization and the asbestos-containing waste material is stored within that temporary storage facility as provided in SWAPCA 476-070(2).

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWAPCA 476-~~060070~~ (1)(a)(iii) and 476-~~060070~~ (1)(b).

(2) **Alternative Storage Method - Temporary Asbestos Storage Facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Authority to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) ~~It is unlawful to~~ No person shall cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the Authority.

(b) The owner or operator must submit a completed ~~notice application~~ application for establishment of a temporary asbestos storage facility on forms provided by the Authority. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by SWAPCA to be posted at the entrance to the facility or on file at the facility office.

(c) An asbestos storage facility shall meet the following general conditions:

(i) Asbestos-containing waste material must be stored in a container with a single piece liner at least 6 mil in thickness; and

(ii) Said container must be in a secured building or in a secured exterior enclosure; and

(iii) The ~~container and~~ enclosure must be locked except during transfer of asbestos-containing waste material; and

(iv) ~~Storage, transportation, disposal, and~~ Return of the waste shipment record to the waste generator shall not exceed the 45-day requirement of 40 CFR Part 61.150, except as otherwise approved by the Authority.

(3) **Alternative Disposal Method - Asbestos-Cement Water Pipe.** Asbestos-cement water pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of SWAPCA 476-~~060070~~ (1)(b) if the following conditions are met:

(a) Any asbestos-cement water pipe greater than one (1) linear foot in size may be buried on public right-of-ways or public easements if covered with at least three (3) feet or more of non-asbestos fill material; and

(b) All asbestos-containing waste material, including asbestos-cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, shall be subject to the requirements of SWAPCA 476-010 through 476-~~060070~~.

#### NEW SECTION

#### **SWAPCA 476-080 Demolition by Intentional Burning**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

Prior to performing any fire training exercise involving intentional burning as a method of demolition, the following steps shall be completed:

1) The owner or owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials (including non-friable roofing materials). The asbestos survey shall be performed by an AHERA building inspector as provided in SWAPCA 476-040.

2) If asbestos-containing material is present, regardless of amount, the asbestos-containing material shall be removed as an asbestos project in accordance with SWAPCA 476-050.

3) If there is no asbestos-containing material in the work area, this determination shall either be posted at the work area or communicated in writing to all persons involved in the demolition project by the owner or owner's agent.

4) A summary of the results of the asbestos survey shall be submitted to SWAPCA by the owner or owner's agent along with the Demolition Notification as provided in SWAPCA 476-050.

5) The fire district or other organization involved in the fire training exercise as a method of demolition shall notify SWAPCA of the date, time, and location of the proposed exercise and the fire district contact person and phone number for that exercise at least five calendar days in advance of the exercise.

6) The owner or owner's agent shall provide notice of the fire to the owners of property adjoining the property on which the fire will occur at least five calendar days in advance of the exercise.

7) No fire training exercise that involves intentional burning as a method of demolition shall be allowed without prior written approval from SWAPCA.

#### NEW SECTION

#### **SWAPCA 476-090 Severability**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

*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.

*Reviser's note:* The brackets and enclosed material in the text of 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 96-14-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 100285—Filed July 2, 1996, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-10-024.

Title of Rule: Domestic violence perpetrator program standards, chapter 388-60 WAC.

Purpose: To clarify (1) procedures for applications for certification, (2) certification, and (3) program standards.

Statutory Authority for Adoption: RCW 26.50.150.

Statute Being Implemented: RCW 26.50.150.

Summary: Domestic violence perpetrator program standards are to ensure consistent and minimum standards for providers treating domestic violence perpetrators.

Reasons Supporting Proposal: To ensure that treatment providers for domestic violence perpetrators understand process, policy and procedures of treatment standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bernie Gerhardt, DCFS, (360) 902-7992.

Name of Proponent: Bernie Gerhardt, 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 Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. (1) The rule's content is specifically dictated by RCW 26.50.150; and (2) the rule adapts a requirement related to agency hearings and amends related process requirements for applying to the agency for certification. This is not actual license.

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 August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by August 13, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850.

Date of Intended Adoption: August 28, 1996.

July 2, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-005 Scope.** (~~The scope of~~) This chapter (~~is to establish~~) establishes domestic violence perpetrator treatment program standards. As authorized under ESHB 1884, April 1991 and RCW 26.50.150, programs providing treatment to perpetrators only of domestic violence shall meet this chapter's domestic violence perpetrator treatment program standards that:

(1) Accept perpetrators of domestic violence into treatment to satisfy court orders; (~~or~~)

(2) Represent the programs as ones that treat domestic violence perpetrators.

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-120 Treatment focus.** (1) The domestic violence perpetrator treatment program shall focus treatment primarily on ending the physical, sexual, and psychological violence, holding the perpetrator accountable for:

- (a) Such perpetrator's violence; and
- (b) Changing such perpetrator's behavior.

(2) The program shall base the perpetrator's treatment on strategies and philosophies which do not blame the victim. The program shall include education about individual, cultural, and family dynamics of domestic violence.

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-130 Treatment modality.** (1) The domestic violence perpetrator treatment program(~~s~~) shall require participants to participate in weekly group treatment sessions unless there is a documented, clinical reason for another modality. Other therapies may be concomitant with the weekly group treatment sessions described under this chapter, but (~~may~~) the program shall ensure other therapies do not substitute for the domestic violence perpetrator program treatment sessions. The department shall define other examples of therapies as:

- (a) Individual therapy;
- (b) Marital therapy;
- (c) Family therapy;
- (d) Substance abuse evaluations or therapy;
- (e) Medication reviews; or
- (f) Psychiatric interviews.

(2) The program shall ensure the foremost goal of a perpetrator's treatment is to increase the victim's safety by changing the perpetrator's abusive behavior.

(a) Concomitant marital or family therapy may not be consistent with the goal of victim safety(~~-~~); and

(b) In such cases, the program (~~should~~) shall not pursue these therapy concomitant with domestic violence perpetrator treatment.

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-140 Program policies and procedures.** The program complying with the Washington standards for a domestic violence perpetrator program(~~s~~) shall adopt and implement treatment program policies and procedures which address, at a minimum, the following issues:

(1) Victim safety. The program shall:

(a) Have policies and procedures which adequately assess the safety of the victim of the perpetrator.

(b) Take the following steps to protect the safety of the victim:

(i) Notify the victim of the applicant's acceptance or rejection for treatment services;

(ii) Encourage victims to make plans to protect themselves and their children; (~~and~~)

(iii) Inform victims of the availability of outreach, advocacy, emergency services, and safety planning offered by a domestic violence victim program(~~s~~);

(iv) Give victim brief description of treatment program;  
and  
(v) Inform victim of the limitations of treatment.

(2) Nondiscrimination. The program((s)) shall not discriminate against any applicant based on:

- (a) Race;
- (b) Age;
- (c) Gender;
- (d) Disability;
- (e) Religion;
- (f) Marital status;
- (g) Political affiliation;
- (h) Educational attainment;
- (i) Socio-economic class;
- (j) Ethnicity;
- (k) National origin; or
- (l) Sexual orientation.

When feasible, ~~((the))~~ a domestic violence perpetrator treatment program((s)) shall provide culturally sensitive services. The program((s)) shall review program curricula, publications, and audio-visual materials to ensure adherence to these standards of cultural sensitivity and nondiscrimination.

(3) Screening authority and responsibilities. The domestic violence perpetrator treatment program((s)) shall operate within the following scope of authority and responsibility:

- (a) Authority to accept or reject all referrals;
- (b) Develop and utilize criteria for acceptance or rejection for treatment services; and
- (c) Accept responsibility to and ~~((shall))~~ have authority to impose any conditions on participation in treatment services that the program deems appropriate.

(4) Rights of a participant((s)).

(a) The domestic violence perpetrator program((s)) shall acknowledge the:

- (i) Obligation to provide a participant the highest level of quality service ~~((to participants))~~; and
- (ii) Rights of a participant((s)) to be treated with respect and dignity.

(b) Program staff, board, and volunteers shall:

- (i) Not engage in, condone, or tolerate acts of sexual harassment or exploitation of an employee((s)), a student intern((s)), a program participant((s)), or a battered victim((s)) of participant((s)); and
- (ii) Establish a climate in which all relationships with colleagues and participants are based on respect for one another.

(5) Confidentiality.

(a) Right to confidentiality. A domestic violence perpetrator treatment program((s)) shall adhere to the standards of confidentiality promulgated in chapter 18.19 RCW for registered counselors. The program shall ensure communications between the participant and the program ~~((shall be))~~ are confidential unless specifically exempted from confidentiality by:

- (i) The participant's release of information; ~~((by))~~
- (ii) Law.

(b) Waiver of confidentiality—mandatory releases. To facilitate communication necessary for periodic safety checks and case monitoring, the program shall require the perpetrator to sign the following releases:

(i) A release for the program to:

(A) Inform the victim and the victim's community advocates and legal advocates that the perpetrator is in treatment with the program; and

(B) Provide information for safety purposes to the victim and the victim's community~~((f))~~ advocates and legal advocates.

(ii) A release to prior and current treatment agencies to provide perpetrator information ~~((on the perpetrator))~~ to the program; and

(iii) A release for the program to provide perpetrator information ~~((on the perpetrator))~~ to relevant legal entities, including:

- (A) Lawyers;
- (B) Courts;
- (C) Parole;
- (D) Probation;
- (E) Child protective services; and
- (F) Child welfare services.

(iv) A release for the program to notify any person whose safety appears to be at risk for the participant's potential for violence and lethality, including, but not limited to:

- (A) The victim;
- (B) Any children;
- (C) Significant others;
- (D) Victims' advocates; or
- (E) Police.

(c) Optional releases. A domestic violence perpetrator treatment program((s)) may require a participant to sign a release permitting the program to provide the victim with periodic reports regarding the participant's participation. A program((s are not required to)) may obtain this release or ~~((to)) may provide this information to a victim((s))~~.

(d) Victim confidentiality. The program shall treat information ~~((provided by))~~ the victim provides to the program as confidential unless the victim provides explicit written permission for the disclosure of the information. If a new offense has occurred, the program shall request the victim ~~((will be asked))~~ to contact the:

- (i) Appropriate law enforcement agency; and ~~((the))~~
- (ii) Local domestic violence victim's program.

(e) Confidentiality in group activities. The program counseling and educational groups shall be:

(i) Confidential, except as provided under subsection (5)(b) of this section; and

(ii) Closed to those other than participants, program staff, and~~((for))~~ volunteer group leaders, and others specifically invited by the group leaders. Others specifically invited by group leaders ~~((may))~~ include:

(A) Professionals and those offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and

(B) Others bringing specific information critical to the group.

(f) The domestic violence perpetrator treatment program shall obtain a written agreement for confidentiality with all participants and invited guests. The program shall ensure the confidentiality agreement ~~((shall))~~ prohibits disclosure of identities of participants or participant-specific information, except ~~((as))~~ when a specific participant((s)) provides a written permission for disclosure.

(g) The program shall only audio or video tape group sessions when all participants grant a written consent. The program shall ensure the consent form (~~shall~~) details the specific uses for the tape to which the participant consents. The program shall obtain an additional consent statement(~~s~~) from each participant to permit use of the tape for other than the purposes specified in the original consent.

(6) Intake/assessment. The domestic violence perpetrator treatment program shall conduct an individual, complete, clinical intake/assessment interview of a perpetrator and compile a written document, including, at a minimum:

- (a) Current and past violence history;
- (b) A complete diagnostic evaluation;
- (c) ~~(A)~~ Screen for substance abuse/chemical dependency problems with a referral, if appropriate, to a state-certified substance abuse/chemical dependency treatment provider for assessment and recommended treatment;
- (d) History of threats of homicide or suicide;
- (e) History of ideation of homicide or suicide;
- (f) A lethality risk assessment;
- (g) Possession of, access to, or a history of use of weapons;
- (h) Degree of obsessiveness and dependency on the perpetrator's victim;
- (i) History of episodes of rage;
- (j) History of depression and other mental health problems;
- (k) History of having sexually abused the battered victim and others;
- (l) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;
- (m) Access to the battered victim;
- (n) Criminal history;
- (o) Assessment of cultural issues;
- (p) Assessment of learning disabilities, literacy, and special language needs; ~~(and)~~
- (q) Review of other diagnostic evaluations of the perpetrator;
- (r) Screen for sexual coercion, assault or deviancy, with referral, if appropriate, to a state-certified sexual deviancy treatment provider for assessment and recommended treatment;
- (s) Screen of parenting skills to determine need for specialized parenting skills training for individuals with history of domestic violence;
- (t) Assessment of the extent to which the legal system and/or the children are used by the participant to threaten, control or manipulate the battered partner; and
- (u) Assessment of the impact on children (such as behavior or emotional problems; use by child of violence against battered parent and/or siblings; or use of violence by teens toward their relationship partners), and make referrals when appropriate and possible.

(7) Treatment plan.

(a) The program shall base a participant's treatment on the clinical intake/assessment. The program shall develop a treatment plan that adequately and appropriately addresses the needs of the individual participant.

(b) The program shall:

(i) Refer a participant if indicated by the screening, to a certified chemical dependency provider for a complete drug and alcohol assessment and evaluation whether the

participant should be required to engage in chemical dependency treatment;

(ii) Evaluate whether a participant should be required to engage in (~~drug and alcohol,~~) mental health, sexual deviancy, specialized parenting skills training, children's services, or other treatment services while the person is a participant in the program;

~~((iii))~~ (iii) Develop a treatment plan accordingly; ~~(and)~~

~~((iii))~~ (iv) Make appropriate referrals outside the agency. If treatment by other providers is contra-indicated, ~~(then)~~ and the program shall determine prioritization of treatment; and

~~((iv))~~ (v) Determine the sequence of adjunct services if concurrent treatment is not clinically appropriate.

(c) The domestic violence perpetrator treatment program(~~s~~) shall consider issues relating to (~~the~~) a participant's prior victimization (~~in~~) when designing the participant's treatment plan.

(i) The program(~~s~~) shall consider the appropriateness of domestic violence victim services for a participant(~~s~~) who presents an extensive (~~histories~~) history of prior victimization.

(ii) In light of consistent research findings that a victim(~~s~~) of domestic violence (~~are~~) is female in ninety-five percent of domestic violence incidents, the program shall give special consideration to a female participant(~~s~~) with regard to prior domestic violence victimization.

(8) Contract with a program participant(~~s~~). The program shall require a participant to enter into a formal contract for services. The program(~~s~~) shall ensure the contract (~~shall~~) includes, at a minimum, the following elements:

(a) Statement of program treatment philosophy consistent with these program standards, including:

- (i) No victim blaming;
  - (ii) Stop all forms of battering;
  - (iii) Holding the abuser accountable; and
  - (iv) Primary concern for the safety of victims.
- (b) An Agreement to cooperate with program rules;
- (c) An agreement to:
- (A) Stop violent and threatening behaviors;
  - (B) Be nonabusive and noncontrolling in relationships;
  - (C) Develop and adhere to a responsibility plan;
  - (D) Comply with all court orders;
  - (E) Cooperate with the rules for group participation; and
  - (F) Execute all necessary documents for release of information to battered victims, law enforcement, the courts, probation, and others as appropriate and as described under subsection (5)(b) and (c) of this section.

(d) Attendance policies and consequences of inadequate attendance;

(e) The expectation of active participation, including sharing personal experiences, values, and attitudes, and completing group activities and assignments;

(f) Other program expectations, such as written exams, concurrent treatment requirements, (~~rules regarding~~) possession of weapons as described under chapters 275-55 and 275-59 WAC, and any other conditions on participation in the program;

(g) Criteria for administrative and contractual discharge and completion of treatment;



(h) The right to confidentiality within the specified limits, and the requirement that a participant((s)) safeguards the confidentiality of other group members;

(i) Duty of the program to warn and protect victims, law enforcement, and third parties related to any risk of serious harm posed by the participant;

(j) Requirement that the participant:

(i) Provide documents related to prior violence((r)) and prior or concurrent treatment services; or

(ii) Execute appropriate releases to authorize document provision by others with whom the participant has had privileged communication.

(k) Fees((f)) and methods of treatment provider payment; and

(l) Drug and alcohol policy, including the requirement that the client attend sessions free of drugs ((e)) and alcohol.

(9) Program educational curriculum requirements. The domestic violence perpetrator treatment program shall identify and utilize an educational curriculum for each program participant((s)). The program shall address at ~~((least the following topics and issues a minimum))~~:

(a) Belief systems which legitimize and sustain violence against women, and/or use of violence or threat of violence to establish power and control over a partner;

(b) Definitions of abuse, battering, and domestic violence as described in the program standards within this chapter;

(c) Accountability of a batterer((s)) for ~~((their))~~ the batterer's actions and the need to avoid victim-blaming;

(d) Forms of abuse including:

(i) Physical;

(ii) Emotional and sexual abuse;

(iii) Economic manipulation or domination;

(iv) Property destruction;

(v) Stalking;

(vi) Terroristic threat; ~~((and))~~

(vii) Acts jeopardizing the well-being and safety of battered partners, children, pets, other family members, and friends;

(viii) Use of children and/or the legal system to threaten, control, or manipulate battered partner; and

(ix) Use of the treatment curriculum material to threaten, control or manipulate battered partner.

(e) Washington state law and practice regarding domestic violence, as described under chapters 10.31, 10.99, and 26.50 RCW;

(f) Opportunities for each participant to identify all of ~~((their))~~ the participant's abusive conduct, the pattern of that conduct, and cultural supports which legitimize or excuse that conduct;

(g) Techniques for achieving nonabusive or noncontrolling conduct;

(h) Opportunities to examine values or beliefs which facilitate abuse;

(i) Adverse legal and social consequences for a batterer((s));

(j) Impact of abuse and battering ((e)) on children and incompatibility of domestic violence and abuse with responsible parenting;

(k) Necessity of meeting financial and legal obligations to family members; and

(l) Opportunity and assistance for a participant to develop a responsibility plan to ensure accountability for the participant's commitment to divest all abusive power and control over the victim.

(10) Minimum treatment period. The domestic violence perpetrator treatment program shall:

(a) Define the minimum treatment period as the period of time required for the participant to complete the criteria for completion of treatment defined by the program. The program may not define satisfactory completion of treatment solely as a certain period of time or a certain number of sessions; and

(b) At a minimum, equate the treatment period to twelve or more months of accountability to the program. The program's twelve-month minimum treatment period shall include attendance at a minimum of:

(i) Twenty-six weekly group sessions to the completion of treatment criteria as described under subsection (11) of this section; and

(ii) Continue with monthly face-to-face contact with the treatment provider until the twelve-month period is complete.

(11) Satisfactory completion of treatment. The program shall establish written criteria for satisfactory completion of treatment. At a minimum, the program shall include the following criteria for completion of a participant's treatment:

(a) Completion of the minimum treatment period requirements;

(b) Attendance at weekly group sessions and all other required treatment periods;

(c) Cooperation with group rules throughout treatment services;

(d) Cessation of violence and threats of violence while a participant in the program;

(e) Cessation of other abusive and controlling conduct while a participant in the program;

(f) Adherence to the participant's responsibility plan;

(g) Compliance with court orders; and

(h) Compliance with other conditions and provisions of the contract for treatment services, such as compliance with ~~((substance abuse))~~ chemical dependency treatment requirement.

(12) Notification of completion of treatment. The program shall:

(a) Notify the court of completion of treatment by any court-mandated participant;

(b) When feasible, notify the victim of completion of treatment by the participant; and

(c) Specify only that the participant has been given a contractual discharge which is based on adequate compliance with the contract and any court order.

(13) Re-offense and noncompliance. The program shall establish and implement written policies regarding consequences for re-offense and noncompliance with program policies.

(14) Termination without completion of treatment.

(a) The program shall develop guidelines for discharge so that:

(i) Discharge decisions are uniform and predictable; and

(ii) Discrimination does not occur against any participant, except as the program is not able to provide adequate treatment services based on the stage of its current development, personnel, or resources, based on:



- (A) Race((s));
- (B) Age;
- (C) Gender;
- (D) Disability;
- (E) Religion;
- (F) Marital status;
- (G) Political affiliation;
- (H) Educational attainment;
- (I) Socio-economic class;
- (J) Ethnicity;
- (K) National origin; or
- (L) Sexual orientation.

(b) The program shall document, in writing, noncompliance with:

- (i) The program participant contract(~~(s)~~with);
- (ii) A court order((s));
- (iii) A probation agreement((s)); or
- (iv) Group rules.

(c) The program shall determine if termination of a participant's treatment without completion shall be made when the following circumstances occur:

- (i) Continued abuse, particularly physical violence;
- (ii) Failure to maintain regular attendance;
- (iii) Failure to make appropriate use of the treatment program;

(iv) Failure to comply with other treatment conditions or provisions which are part of the participant's contract, such as involvement in a recovery program for (~~drugs and alcohol~~) chemical dependency, failure to continue involvement with mental health treatment; and

- (v) Failure to pay fees;
- (vi) Violation of any of the group rules; and
- (vii) Violation of any provisions of a court order.

(d) The program shall use consistent procedures to notify the court of termination without completion of court-mandated clients.

(e) The program shall establish and maintain procedures for notification of victims of termination without completion of treatment.

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

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-150 Treatment staff qualifications.** (1) Paid and volunteer treatment staff.

(a) All paid and volunteer staff with direct treatment contact with participants shall be:

- (i) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and
- (ii) Free of criminal convictions involving moral turpitude.

(b) Each paid or volunteer staff person, including a person((s)) providing supervision, shall have participated in:

- (i) A minimum of thirty hours of training in domestic violence from an established domestic violence victim program; and
- (ii) A minimum of thirty hours of training from an:

(A) (~~An~~) Established domestic violence perpetrator treatment services program complying with these program standards; or

(B) Out-of-state domestic violence perpetrator treatment program which (~~would meet these~~) meets department standards of this chapter and chapter 26.50 RCW.

(c) (~~During the two year period beginning on the date of adoption of these standards, a program which has not yet completed administrative procedures for certification but which meets these requirements shall be deemed an "established domestic violence perpetrator treatment program complying with these program standards."~~)

(~~d~~) Each paid or volunteer staff person providing direct treatment to a participant((s)) shall have completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the required two hundred fifty hours, a paid or volunteer staff person shall complete a minimum of one hundred twenty-five hours in supervised direct treatment contact with perpetrators.

((~~e~~)) (d) Each paid or volunteer staff person providing direct treatment to a participant((s)) shall hold at least a bachelor's degree, or year-for-year experience equivalent to a bachelor's degree.

(2) Trainees. The program shall consider as a trainee a paid or volunteer staff person who has not completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. A trainee may serve as a co-facilitator of groups, but a trainee may not have sole responsibility for facilitation of groups, except in programs in which a qualified supervisor is present on-site, as defined under subsection (3) of this section.

(3) Staff providing supervision of treatment staff.

(a) Each program shall have at least one person providing supervision to paid and volunteer treatment staff who meets all of the following requirements:

- (i) Has a minimum of three years of experience working with both perpetrators and victims of domestic violence;
- (ii) Has had a minimum of one year of experience in group facilitation;

(iii) Has completed a minimum of five hundred hours of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the five hundred hours, the person providing supervision shall complete a minimum of two hundred fifty hours in supervised direct treatment contact with perpetrators; and

(iv) Holds at least a master's degree or year-for-year experience equivalent to a master's degree.

(b) Either on-site or off-site supervision may be provided by a person meeting the qualifications required under subsection (3)(a) of this section. The programs shall establish and implement policies, procedures, and supervision schedules ensuring adequate supervision for all treatment staff.

**AMENDATORY SECTION** (Amending Order 3539, filed 4/28/93, effective 5/29/93)

**WAC 388-60-160 Orientation and continuing professional education requirements.** (1) The program shall provide orientation for new paid and volunteer staff to

acquaint the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

(2) The program shall provide paid and volunteer staff with ongoing training and supervision by a trainer with expertise in domestic violence victim services and perpetrator treatment.

(3) A paid or volunteer staff:

(a) ~~((Member))~~ Having direct treatment contact with participants shall complete a minimum of twenty hours of continuing professional education ~~((within))~~ for each ~~((calendar))~~ year following certification with no more than one half (ten) of those hours being satisfied "in-house";

(b) ~~((Member's))~~ Education shall include four or more hours of training per year on issues of sexism, racism, and homophobia, and their relationship to domestic violence;

(c) ~~((Member's))~~ Training in domestic violence, alcohol/drug abuse, mental health, or other issues relating to the treatment of domestic violence perpetrators shall qualify that member's training as continuing professional education; ~~((and))~~

(d) ~~((Member))~~ May obtain continuing professional education through classes, seminars, workshops, video or audio tapes, or other self-study programs when approved, in writing, by the staff supervisor. The staff shall devote not more than five hours to video, audio tapes, or self-study program as part of overall twenty hours continuing education requirement; and

(e) The staff shall document all continuing education hours on approved forms accompanied with completion certificates, course/workshop outline, and supervisor signature and submit upon application for re-certification.

#### NEW SECTION

##### **WAC 388-60-190 Program certification process.** (1)

The domestic violence perpetrator program providing treatment to a perpetrator of domestic violence shall request certification by completing an application available by mail from the Domestic Violence Perpetrator Treatment Program Certification, Department of Social and Health Services (DSHS), Division of Children and Family Services, P.O. Box 45710, Olympia, Washington 98504-5710.

(2) The person or entity responsible for the program operation shall submit to this department a completed application and the application fee prior to certification.

(3) The department shall publish a current application fee for a domestic violence perpetrator treatment program and shall update the fee annually in July. The application fee will be stated in the application packet.

(4) The department shall ensure the application includes a written certification by the domestic violence perpetrator program director that the program complies with the program standards contained in this chapter.

(5) The program shall complete criminal history background checks on all perpetrator treatment program staff.

(6) The department shall review certification applications within thirty days after receipt of the application to determine whether the domestic violence perpetrator program complies with the program standards contained in this chapter and shall:

(a) Notify the applicant whether the program complies with the program standards. If a program meets compliance standards the department shall issue the program a certificate of compliance;

(b) Provide programs that have not met compliance standards with a copy of the program standards and a written notice containing:

(i) The reasons for the determination of noncompliance; and

(ii) The program standards relied upon for making the determination.

(7) An applicant denied certification by the department shall have a right to a fair hearing as provided under chapter 388-08 WAC.

(8) The department shall maintain an updated record of all certified domestic violence perpetrator programs and programs that:

(a) Are certified;

(b) Are in the process of applying for certification;

(c) Have been denied certification;

(d) Have been notified that the department is revoking or suspending certification;

(e) Have had certification revoked; or

(f) Are being investigated.

#### NEW SECTION

##### **WAC 388-60-200 Certification maintenance.** (1)

Each program certified under this chapter shall apply for continued certification every two years. A treatment provider's continued certification and renewal shall be contingent upon:

(a) A completed application form submitted to DSHS/DCFS at least forty-five days before the expiration date of the previous certification period which shall include:

(i) An update of all program and staff changes;

(ii) An update of continuing staff professional education hours;

(iii) Payment of the application fee; and

(iv) Completed information request forms from the local multidisciplinary domestic violence intervention committee or task force (DVIC) and an established local domestic violence victim service provider as defined in chapter 70.123 RCW.

(b) A determination by the department, based on the completed application, that the program continues to meet the standards and qualifications as outlined in this chapter;

(c) A determination by the department that any complaint investigations if any, from the previous certification period have been satisfactorily resolved.

(2) The department shall provide applicants for certification renewal that do not comply with the program standards with a written notice containing:

(a) The reasons for the determination of noncompliance; and

(b) The program standards relied upon for making the determination.

(3) A program applicant denied recertification by the department shall have a right to an administrative hearing as provided under chapter 388-08 WAC.

NEW SECTION

**WAC 388-60-210 Advisory committee.** The department shall establish and appoint a volunteer group to serve as the Washington domestic violence perpetrator treatment program standards advisory committee.

(1) The advisory committee shall include the following members:

(a) Four persons representing the perspective of victims of domestic violence to be chosen with input from the Washington state coalition against domestic violence;

(b) Four persons representing the perspective of the perpetrator treatment program providers to be chosen with input from a statewide coalition of perpetrator programs; and

(c) Four persons representing the perspective of the probation and court system to be chosen with input from the probation and court system.

(2) Advisory committee members shall be appointed for two-year terms. Committee members may be replaced if they have missed two consecutive meetings.

(3) If funds are available, the department shall reimburse advisory committee members for travel and meal expenses related to service on the committee. Advisory committee members shall not receive any other compensation for services on the committee.

(4) The role of the advisory committee shall be to:

(a) Advise the department about any recommended changes to the program standards;

(b) Provide technical assistance to DSHS on program standards, implementation, certification and recertification criteria.

NEW SECTION

**WAC 388-60-220 Complaint.** (1) Pursuant to RCW 26.50.150, complaints about domestic violence perpetrator treatment programs certified under this chapter shall be made to the department;

(2) Any person may submit a written complaint to the department regarding the following concerns about a certified program:

(a) Conduct which places victims at risk; or

(b) Failure to comply with program and/or treatment standards as specified in chapter 388-60 WAC.

(3) The department shall notify the program in writing within fourteen days after receipt, that a valid complaint has been received and investigation has been initiated.

NEW SECTION

**WAC 388-60-230 Investigation.** (1) The department will initiate an investigation within fourteen days if:

(a) A complaint subject to the criteria in WAC 388-60-220(2) has been received by the department; or

(b) The department has reason to believe, without a written complaint, that a program has engaged in conduct specified in WAC 388-60-220(2).

(2) The investigation may include contact with the complainant, other persons involved in the complaint and the program.

(3) The department will begin an investigation within fourteen days of the receipt of an eligible complaint.

(4) The department shall complete its investigation within forty-five days of initiating an investigation unless circumstances warrant a longer period of time.

NEW SECTION

**WAC 388-60-240 Results of investigation.** (1) The department shall prepare written results of the complaint investigation.

(2) If the department determines that the program engaged in conduct specified in WAC 388-60-220(2), the written findings shall include a determination as to the status of the program's certification:

(a) Revocation of certification. Specific grounds for revocation shall be set forth in the written findings, including the provisions of this chapter upon which revocation is based. Where program certification is revoked, the findings shall state the effective date of revocation.

(b) Suspension of certification. Specific grounds for suspension of certification shall be set forth within the written findings, including the provisions of this chapter upon which suspension is based. Where program certification is suspended, the findings shall state the effective date of suspension and shall include specific remedial steps which must be satisfied prior to the department lifting the suspension and reinstating certification.

(c) Written warning. Specific grounds for a program warning shall be set forth within the written findings, including the provision of this chapter upon which the warning is based. Where a program is given a written warning, the findings shall include specific remedial steps which must be taken to the satisfaction of the department. Where a program refuses or fails to remedy the problems specified in the written warning, the department may revoke or suspend program certification as specified above.

(4) Where the department revokes or suspends program certification, or issues a written warning to a program pursuant to WAC 388-60-240, the program shall be notified in writing of its right to request an administrative hearing as provided under chapter 388-08 WAC.

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

NEW SECTION

**WAC 388-60-250 Appeal.** A domestic violence perpetrator treatment program aggrieved by a decision of the department regarding certification has a right to an adjudicative proceeding. The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

**WSR 96-15-006**

**WITHDRAWAL OF PROPOSED RULES  
STATE BOARD OF EDUCATION**

(By the Code Reviser's Office)

[Filed July 5, 1996, 1:00 p.m.]

WAC 180-85-025 and 180-85-030, proposed by the State Board of Education in WSR 96-01-079, appearing in issue

PROPOSED

96-01 of the State Register, which was distributed on January 3, 1996, 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 96-15-007**  
**WITHDRAWAL OF PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
(By the Code Reviser's Office)  
[Filed July 5, 1996, 1:01 p.m.]

WAC 180-79-340, proposed by the State Board of Education in WSR 96-01-081, appearing in issue 96-01 of the State Register, which was distributed on January 3, 1996, 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 96-15-008**  
**WITHDRAWAL OF PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
(By the Code Reviser's Office)  
[Filed July 5, 1996, 1:02 p.m.]

WAC 55-01-001, 55-01-010, 55-01-020, 55-01-030, 55-01-040, 55-01-050, 55-01-060, 55-01-070, 55-01-080, 182-25-001, 182-25-010, 182-25-020, 182-25-030, 182-25-040, 182-25-050, 182-25-060, 182-25-070, 182-25-080, 182-25-090, and 182-25-100, proposed by the Health Care Authority in WSR 96-01-107, appearing in issue 96-01 of the State Register, which was distributed on January 3, 1996, 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 96-15-009**  
**WITHDRAWAL OF PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
(By the Code Reviser's Office)  
[Filed July 5, 1996, 1:03 p.m.]

WAC 390-16-105 and 390-16-150, proposed by the Public Disclosure Commission in WSR 96-01-109, appearing in issue 96-01 of the State Register, which was distributed on January 3, 1996, 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 96-15-010**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed July 8, 1996, 8:49 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-11-056.

**Title of Rule:** The adoption of a revised fare schedule for the Washington state ferries amending WAC 468-300-020 and 468-300-040.

**Purpose:** The tariff change represents the final phase in the oversize vehicle fare restructuring began in 1992.

**Statutory Authority for Adoption:** RCW 47.56.030 and 47.60.326.

**Statute Being Implemented:** RCW 47.60.326.

**Reasons Supporting Proposal:** The tariff change represents the final phase in the oversize vehicle fare restructuring began in 1992.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Washington State Ferries, 801 Alaskan Way, Seattle, WA, (206) 515-3403.

**Name of Proponent:** Washington State Department of Transportation, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The tariff change represents the final phase in the oversize vehicle fare restructuring began in 1992.

**Proposal does not change existing rules.**

**No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will not have an impact on small business.**

**Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Agency not included under subsection (5)(a)(i) of section 201.**

**Hearing Location:** Room 1D2, Transportation Building, Olympia, Washington 98504, on September 11, 1996, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact 1-800-486-8392 by September 10, 1996, (360) 705-7011.

**Submit Written Comments to:** Ben Klein, Transportation Building, Room SC-06, P.O. Box 47318, Olympia, WA 98504-7318, FAX (360) 705-6808, by September 10, 1996.

**Date of Intended Adoption:** September 11, 1996.

July 8, 1996

Chris R. Rose

Administrator

Transportation Commission

**AMENDATORY SECTION** (Amending Order 77, filed 8/25/94, effective 9/25/94)

**WAC 468-300-020 Vehicle under 20', motorcycle, and stowage ferry tolls.**

Effective 03:00 a.m. October (~~9, 1994~~) 13, 1996

ROUTES	Under 20' Incl. Driver One Way	Vehicle Under 20' Citizen or Disabled Driver <sup>4</sup>	Vehicle Under 20' Over Height Surcharge <sup>1</sup>	Frequent User Ticket book 20 Rides <sup>2</sup>	Motorcycle/Stowage <sup>5</sup> Incl. Driver Stowage <sup>5</sup> One Way	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>5</sup> One Way	Frequent User Ticket book 20 Rides <sup>2</sup>
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	5.90	5.05	<del>((3.80))</del> <u>5.90</u>	94.15	2.60	1.75	41.55
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	<del>((7.85))</del> <u>7.95</u>	6.85	<del>((5.10))</del> <u>7.95</u>	63.60	3.40	2.25	27.15
Mukilteo-Clinton	4.00	3.40	<del>((2.55))</del> <u>4.00</u>	63.60	1.70	1.15	27.15
	10 Rides						
*Anacortes to Lopez	12.30	9.85	<del>((7.80))</del> <u>12.30</u>	49.20	6.40	3.95	51.30
*Shaw, Orcas	14.70	12.20	<del>((9.35))</del> <u>14.70</u>	58.75	6.90	4.45	55.15
*Friday Harbor	16.80	14.35	<del>((10.75))</del> <u>16.80</u>	67.20	7.30	4.85	58.55
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	7.00	7.00	<del>((4.50))</del> <u>7.00</u>	27.50	2.00	2.00	N/A
<i>International Travel</i>							
Anacortes to Sidney and Sidney to all destinations	29.70	26.30	<del>((17.85))</del> <u>29.70</u>	N/A	11.45	8.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>@</sup>	<del>((14.00))</del> <u>15.00</u>	<del>13.25</del> <u>14.25</u>	<del>8.50</del> <u>15.00</u>	<del>N/A</del> <u>N/A</u>	<del>4.00</del> <u>4.50</u>	<del>3.25</del> <u>3.75</u>	<del>N/A</del> <u>N/A</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>6</sup>	<del>((43.90))</del> <u>44.70</u>	<del>39.55</del> <u>40.55</u>	<del>26.35</del> <u>44.70</u>	<del>N/A</del> <u>N/A</u>	<del>15.45</del> <u>15.95</u>	<del>11.25</del> <u>11.75</u>	<del>N/A</del> <u>N/A</u>

@ These fares rounded to the nearest multiple of \$ .25.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - All vehicles up to 20' in length and under 7'6" shall pay the vehicle under 20' toll. Vehicles up to 20' but over 7'6" in height shall pay a height surcharge of ~~((60%))~~ 100% of the vehicle full fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height surcharge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

<sup>2</sup>FREQUENT USER TICKETS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage.

<sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSR Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

<sup>5</sup>MOTORCYCLES - The motorcycle including driver fare includes motorcycles pulling trailers and motorcycles with side cars.

<sup>6</sup>ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

VANPOOLS - A commuter vanpool which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for one year valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use

each day not to exceed two hours per period. The \$10.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 20% surcharge shall be applied effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**AMENDATORY SECTION** (Amending Order 77, filed 8/25/94, effective 9/25/94)

**WAC 468-300-040 Oversize vehicle ferry tolls.**

Effective 03:00 a.m. October ~~((9, 1994))~~ 13, 1996

Oversize Vehicle Ferry Tolls<sup>1</sup>  
Overall Unit Length - Including Driver

ROUTES	20' To Under 30'	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To Under 70'	70' To and Include 80'	Cost Per Ft. Over 80'
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	<del>((15.00</del> <u>17.70</u>	<del>20.00</del> <u>23.60</u>	<del>27.40</del> <u>29.50</u>	<del>32.90</del> <u>35.40</u>	<del>41.20</del> <u>41.30</u>	<del>47.10</del> <u>47.20</u>	<del>0.60))</del> <u>0.60</u>
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	<del>((20.35</del> <u>24.00</u>	<del>27.10</del> <u>32.00</u>	<del>37.05</del> <u>40.00</u>	<del>44.50</del> <u>48.00</u>	<del>55.70</del> <u>56.00</u>	<del>63.60</del> <u>64.00</u>	<del>0.80))</del> <u>0.80</u>
Mukilteo-Clinton	<del>((10.15</del> <u>12.00</u>	<del>13.50</del> <u>16.00</u>	<del>18.50</del> <u>20.00</u>	<del>22.25</del> <u>24.00</u>	<del>27.85</del> <u>28.00</u>	<del>31.80</del> <u>32.00</u>	<del>0.40))</del> <u>0.40</u>
*Anacortes to Lopez <sup>2</sup> *Shaw, Orcas *Friday Harbor	<del>((37.55</del> <u>44.10</u>	<del>50.05</del> <u>58.80</u>	<del>68.40</del> <u>73.50</u>	<del>82.10</del> <u>88.20</u>	<del>102.80</del> <u>102.90</u>	<del>117.50</del> <u>117.60</u>	<del>1.50))</del> <u>1.50</u>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup> @	<del>((15.75</del> <u>21.00</u>	<del>15.75</del> <u>28.00</u>	<del>15.75</del> <u>35.00</u>	<del>58.25</del> <u>42.00</u>	<del>58.25</del> <u>49.00</u>	<del>58.25</del> <u>56.00</u>	<del>N/A))</del> <u>N/A</u>
<i>International Travel</i>							
Anacortes to Sidney and Sidney to all destinations	<del>((55.75</del> <u>89.10</u>	<del>74.35</del> <u>118.80</u>	<del>92.90</del> <u>148.50</u>	<del>111.45</del> <u>178.20</u>	<del>166.50</del> <u>207.90</u>	<del>190.20</del> <u>237.60</u>	<del>2.40))</del> <u>2.40</u>
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	<del>((18.10</del> <u>45.00</u>	<del>24.25</del> <u>60.00</u>	<del>24.50</del> <u>75.00</u>	<del>29.25</del> <u>90.00</u>	<del>57.00</del> <u>105.00</u>	<del>65.25</del> <u>120.00</u>	<del>1.00))</del> <u>1.00</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup>	<del>((73.85</del> <u>134.10</u>	<del>98.60</del> <u>178.80</u>	<del>117.40</del> <u>223.50</u>	<del>140.70</del> <u>268.20</u>	<del>223.50</del> <u>312.90</u>	<del>255.45</del> <u>357.60</u>	<del>3.40))</del> <u>3.40</u>

@ These fares rounded to the nearest multiple of \$.25.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize

vehicle toll. Vehicles which are 11 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses shall travel free upon display of an annual permit which may be purchased for \$10.

<sup>2</sup>STOPOVERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermedi-

PROPOSED

ate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for interisland travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

PEAK SEASON SURCHARGE - A 20% surcharge shall be applied effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

#### DISCOUNT FROM REGULAR TOLL

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a 20% discount from the regular ferry tolls.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

#### BULK NEWSPAPERS - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS - A flat handling charge of \$25.00 per parcel is charged.

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES - A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

### WSR 96-15-018

#### PROPOSED RULES

### DEPARTMENT OF TRANSPORTATION

[Filed July 9, 1996, 8:49 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-009.

Title of Rule: Oversize manufactured home transport regulations.

Purpose: To regulate the transport of over size manufactured housing components.

Other Identifying Information: WAC 468-38-120.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.170.

Summary: See Purpose above and Explanation of Rule below.

Reasons Supporting Proposal: Provides for a consistent interpretation of the rule.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, Washington, (360) 664-9497; and Enforcement: Capt. Tim Erickson, Olympia, Washington, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Support.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule as filed December 4, 1995, creates confusion in the interpretation of subsection (3) which describes how a manufactured house (component) is to be transported. One could interpret that the manufactured housing industry had additional constraints placed on it when none were intended. The new language insures that industry, regulators and enforcement will have consistent interpretations and that industry can transport houses in the same fashion as they did prior to the last rule change.

Proposal does not change existing rules. Only to clarify original intent.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Change only clarifies original intent.

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

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on August 30, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by August 26, 1996.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by August 26, 1996.

Date of Intended Adoption: August 30, 1996.

July 8, 1996

S. A. Moon

Deputy Secretary  
for Operations

#### AMENDATORY SECTION (Amending WSR 95-24-073, filed 12/4/95, effective 1/4/96)

**WAC 468-38-120 Oversize manufactured home transport regulations.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of manufactured homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Manufactured home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently

adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be manufactured homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize manufactured home.

(3) ~~(Oversize limits: The following regulations apply to)~~ Manufactured homes of semi-trailer design whose ~~(box)~~ width, including eaves, exceeds eight and one-half feet but whose box width does not exceed fourteen feet, and/or whose length exceeds ~~(thirty-six)~~ fifty-three feet but does not exceed seventy-five feet including tongue, may be moved under the provisions of an oversize load permit issued by the department: Provided, That ~~(a unit may have a maximum of a twelve inch eave on one side in addition to its box width: And provided further, That the manufactured home shall be transported with this eave on the right side in the direction of traffic))~~ the permitted oversize limits, incorporating box width and eave location when traveling, are as follows:

(a) The box may not exceed fourteen feet in width.

(b) The box plus eave may not exceed fifteen feet in width.

(c) With any combination of box and eave width, up to fourteen feet, the eave(s) may be traveled on either or both sides.

(d) Any eave in addition to the permitted combination of fourteen foot box and eave(s) shall be traveled on the right side in the direction of traffic.

The procedure for measuring box width shall not include external appurtenances such as door knobs, window fasteners, drip cap at roof edge, clearance lights, load securing devices and closure materials: Provided, That such external appurtenances do not exceed two inches on any side.

(4) Oversize manufactured home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of manufactured homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual

permits except that fourteen-foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars - three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a manufactured home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred fifty dollars to the manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen-foot wide manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of twelve to fourteen-foot wide manufactured homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Manufactured homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Manufactured homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the manufactured home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those manufactured homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the manufactured home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of twelve volts will be installed in the manufactured home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and



have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of manufactured home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of manufactured homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the manufactured home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

Manufactured Home Width to be Towed	Drive Axle		Curb Weight	(1) Weight	Rear Axle Rating
	Tire Width	Tire Rating			
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000#	(2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000#	15,000#

- (1) Includes fuel and accessories prior to hook-up with manufactured home.
- (2) Not required.
- (3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to manufactured home brake systems will be capable of producing rated voltage and amperage at the manufactured home brake magnets in accordance with the manufactured home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the unit with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted at the rear of the trailing unit, on a horizontal plane, at least ten feet above the roadway surface. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for manufactured homes shall be as set forth in WAC 468-38-340.

(14) Manufactured homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two manufactured home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The manufactured home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to

pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any manufactured or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a manufactured home is to enter the state;
- (ii) When a manufactured home is being moved from the manufacturer or distributor to a retail sales outlet;
- (iii) When a manufactured home is being moved from the manufacturer or distributor to a purchaser's designated location; or
- (iv) When a manufactured home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the manufactured home while in transport. It shall be issued at the same time as the tax certificate for manufactured home movement. If the tax certification is for a double-wide manufactured home, two manufactured home movement decals shall be issued.

- (c) The decal shall meet the following requirements:
  - (i) It shall be at least eight and one-half inches square.
  - (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
  - (iii) It shall be of fluorescent orange color.
  - (iv) It shall show the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.

(d) Manufactured home movement decals may not be transferred.

**WSR 96-15-028**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Management Services Administration)  
 (Public Assistance)  
 [Filed July 10, 1996, 1:35 p.m.]

Original Notice.

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

Title of Rule: Fees - Inspection and copying.

Purpose: The amendment will bring WAC 388-320-140 into compliance with the amendments to RCW 42.17.300.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 42.17.300.

Summary: Sets the charge per page of black and white photocopies at fifteen cents in most cases. Adds the directive that no fee shall be charged for locating public documents and making.

Reasons Supporting Proposal: Required by statute.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 45850, Olympia, WA 98504-5850, (360) 902-8317; Implementation and Enforcement:

Public Disclosure Officer, P.O. Box 45800, Olympia, WA 98504-5800, (360) 902-8300.

Name of Proponent: Merry A. Kogut, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, (360) 902-8317 (voice), FAX (360) 902-8292, TDD (360) 753-0625, Email: mkogut@dshs.wa.gov, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.17.300 (amended 1995) sets the charge per page of photocopies at fifteen cents in most cases. RCW 42.17.300 also adds the directive that no fee shall be charged for locating public documents and making them available for copying. Amendments to existing WAC put these changes into effect.

Proposal Changes the Following Existing Rules: Changes charge from twenty-five cents/copy to fifteen cents/copy. Clarifies that there will be no charge for locating public records and making them available for copying.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempted under RCW 34.05.310(4) and 19.85.025(2).

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 August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by August 13, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to: Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by August 27, 1996.

Date of Intended Adoption: August 28, 1996.

July 10, 1996

Philip A. Wozniak  
Administrative Services  
Director

**AMENDATORY SECTION** (Amending Order 3300, filed 11/27/91, effective 12/28/91)

**WAC 388-320-140 Fees—Inspection and copying.**

(1) ~~((No fee))~~ The department shall ((be charged)) not charge a fee for:

(a) The inspection of public records; or

(b) Locating public records and making them available for copying.

(2) The department shall collect the following fees to reimburse itself for costs incident to providing copies of public records:

(a) The actual cost of printing manuals and manual revisions;

(b) The actual cost of copying blueprints and like materials involving an extraordinary expense;

(c) ~~((Twenty-five))~~ Fifteen cents per page for black and white photocopies; and

(d) The cost of postage if any.

(3) When the department is a party in an administrative hearing, the department shall authorize free copying of records from a department file when the records are demonstrated to be relevant and the client is indigent.

(4) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of manuals or other public records with other government agencies when doing so is in the best interest of the department.

(5) The secretary of the department, the secretary's designee, and disclosure coordinators are authorized to waive any of the foregoing costs. Factors considered in deciding whether to waive costs include: Providing the copy will facilitate administering the program and/or the expense of processing the payment exceeds the copying and postage cost.

### WSR 96-15-033

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed July 10, 1996, 2:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-040.

Title of Rule: Optometry fees.

Purpose: Repeal of the optometry temporary permit fee.

Other Identifying Information: The optometry board is currently proposing repeal of the temporary permit rule because the same language appears in WAC 246-851-500 Credentialing by endorsement.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: Repeal optometry fee for temporary permit in conjunction with repeal of temporary permit rule by the Board of Optometry.

Reasons Supporting Proposal: To maintain current and accurate information for licensees and the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince Street, Olympia, WA 98504-7863, (360) 753-4614.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeals the current fee for a temporary permit to practice optometry. the Board of Optometry is currently proposing repeal of the temporary permit rule because the language is duplicated in WAC 246-851-500 Credentialing by endorsement.

Proposal Changes the Following Existing Rules: Repeals the fee for a temporary optometry permit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not represent an increase in costs to businesses, licensees or to applicants.

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

Hearing Location: Seattle Airport Hilton, Peninsula West Room, 17620 Pacific Highway South, Seattle, WA 98188-0964, on September 13, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Haenke by September 6, 1996, TDD 1-800-833-6388, or FAX (360) 586-0745.

Submit Written Comments to: Judy Haenke, FAX (360) 586-0745, by September 10, 1996.

Date of Intended Adoption: September 13, 1996.

June 28, 1996

Bruce A. Miyahara  
Secretary

**AMENDATORY SECTION** (Amending WSR 95-14-111, filed 6/30/95, effective 7/31/95)

**WAC 246-851-990 Optometry fees.** The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application—Nonrefundable	\$250.00
<del>((Temporary permit</del>	<del>50.00))</del>
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
Duplicate license	15.00
Certification	25.00

**WSR 96-15-038**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed July 11, 1996, 1:37 p.m.]

Original Notice.

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

Title of Rule: Eligibility determinations, food stamp program.

Purpose: To delete cross-reference to WAC 388-49-530 which is being repealed.

Statutory Authority for Adoption: RCW 74.04.050.

Summary: This rule making deletes cross-reference to WAC 388-49-530.

Reasons Supporting Proposal: Administrative efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Charles Henderson, Division of Income Assistance, (360) 438-8325.

Name of Proponent: Charles Henderson, Division of Income Assistance, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Deletes obsolete cross-reference.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No statement necessary because this change does not affect 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 a named agency in RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by August 13, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by August 20, 1996.

Date of Intended Adoption: August 28, 1996.

July 11, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 2663, filed 8/2/88)

**WAC 388-49-515 Eligibility determinations.** The department shall:

- (1) Determine eligibility prospectively for each issuance month for all households;
- (2) Budget income for eligible households prospectively or retrospectively according to WAC 388-49-520(~~(, 388-49-530,))~~ or 388-49-535 after eligibility has been determined for each month; and
- (3) Provide appropriate notice to the household as described in WAC 388-49-600.

**WSR 96-15-044**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER'S OFFICE**  
[Filed July 12, 1996, 9:10 a.m.]

Continuance of WSR 96-11-144.

Preproposal statement of inquiry was filed as WSR 95-23-100.

Title of Rule: Long-term care partnership.

Purpose: Continuation of adoption date to July 19, 1996.

Other Identifying Information: Insurance Commissioner Matter No. R 95-16.

Date of Intended Adoption: July 19, 1996.

July 11, 1996

Greg Scully  
Chief Deputy Commissioner

**WSR 96-15-057**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)  
[Filed July 16, 1996, 2:20 p.m.]

Original Notice.

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

PROPOSED

Title of Rule: WAC 275-16-085 Other pertinent factors.

Purpose: To implement the requirement of RCW 43.20B.335 which allows a judgment owed to the victim of a crime committed by a criminally insane resident of a state hospital to be considered in determining the ability of the resident to pay for the cost of their hospitalization.

Statutory Authority for Adoption: RCW 43.20B.335.

Statute Being Implemented: RCW 43.20B.335.

Summary: When determining the liability of a criminally insane resident of a state hospital to pay for the costs of their hospital care the department is to consider certain factors which include judgments obtained by the victims of the crime against the patient.

Reasons Supporting Proposal: Mandated by legislative action.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Pike, P.O. Box 9501, Olympia, WA 95807-9501, (360) 586-3404.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to allow individuals who have damage judgments against a criminally insane hospital resident to have that fact considered when the patient is being assessed for their cost of care while hospitalized. This will allow those individuals to take precedence over the state in collecting money from the offender. This should have a limited affect as only one or two cases per year would be involved.

Proposal Changes the Following Existing Rules: Requires the present rule to take this into consideration.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule would have no impact on small business as it is only applicable to the Department of Social and Health Services.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by August 13, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Number: Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by August 27, 1996.

Date of Intended Adoption: August 28, 1996:

July 15, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 1627, filed 3/25/81)

**WAC 275-16-085 Other pertinent factors.** (~~In considering~~) The determination officer may consider the following other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay((s)).

(1) The determination officer may consider those factors related to the well-being, education and training, child support obligations set by court order or by administrative finding under chapter 74.20A RCW, and/or rehabilitation of the patient and ((his or her)) the patient's immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives ((must)) shall show the existence and the necessity for the pertinent factors as defined. Upon such a showing, the determination officer may consider such resources necessary to reasonably provide for such pertinent factors as assets not available to the estate of the patient and responsible relatives((~~Provided, That~~)).

(2) Consistent with RCW 43.20B.335, the determination officer shall consider a judgment owed by the patient to any victim of an act that would have resulted in criminal conviction of the patient but for a finding of the patient's criminal insanity. A victim shall include an estate's personal representative who has obtained judgment for wrongful death against the criminally insane patient.

(3) The department shall ensure that any allowance for other pertinent factors ((must)) does not conflict with Medicaid eligibility requirements for those patients who are eligible or potentially eligible for such benefits.

WSR 96-15-061

PROPOSED RULES

SKAGIT VALLEY COLLEGE

[Filed July 17, 1996, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-016.

Title of Rule: Adopt WAC 132D-120-055 Antihazing policy.

Purpose: To provide a policy which strongly states that hazing activities of any kind by student organizations or their members will not be tolerated.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: This policy states very strongly that Skagit Valley College prohibits student organizations or its members from engaging individually or collectively in hazing activities. It also outlines appeal and sanction procedures.

Reasons Supporting Proposal: Skagit Valley College will not tolerate hazing behavior by its students.

Name of Agency Personnel Responsible for Drafting: Judi Knutzen, C-111 Administrative Annex Building, (360) 428-1667; Implementation and Enforcement: Dr. Brinton Sprague, C-116 Administrative Annex Building, (360) 428-1223.

Name of Proponent: Skagit Valley College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide a policy which states that hazing activities by student organizations or its members will not be tolerated by Skagit Valley College.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no monetary

implications in this policy. No costs are imposed on small business through adoption of this rule.

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

Hearing Location: Skagit Valley College Board Room, 2405 College Way, Mount Vernon, WA 98273, on October 18, 1996, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Eric Anderson, TDD (360) 428-1680.

Submit Written Comments to: Judi Knutzen, Director, Skagit Valley College, WAC Coordinator, FAX (360) 428-1183, by October 15, 1996.

Date of Intended Adoption: December 9, 1996.

July 10, 1996  
Dr. Brinton Sprague  
Vice-President  
Educational Services

## NEW SECTION

**WAC 132D-120-055 Antihazing.** Skagit Valley College prohibits student organizations and their members from engaging individually or collectively in hazing activities.

(1) Definition. 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 to any student or other person attending any institution of higher education. "Hazing" does not include customary athletic events or other similar contests or competitions.

(2) Activity. Hazing activity may include one or more of the following:

(a) Activities that expose individuals to embarrassment, abuse, ridicule or humiliation;

(b) Activities which have no meaningful relationship to the objectives of the organization;

(c) Activities that abuse the trust an organization is striving to build between its members and prospective members;

(d) Activities which interfere with academic pursuits or normal life functions.

(3) Examples. Examples of prohibited activities include pressure to swallow uncommon/common substances, forced consumption of alcohol or drugs, excessive exercise, physical or verbal abuse, personal humiliation, embarrassment, and sleep or sensory deprivation.

(4) Disciplinary action. Student organizations whose members participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary actions in accordance with student rights and responsibilities (chapter 132-120 WAC). Disciplinary actions for individuals of student organizations or living groups participating in hazing activities may include forfeiture of any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college. Disciplinary action for student organizations or living groups may include deprivation of official recognition or approval granted by the college. Hazing violations are also misdemeanors punishable under state criminal law, according to RCW 9A.20.021.

(5) Impermissible conduct not amounting to hazing:

(a) Associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated;

(b) May include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse;

(c) Is subject to any sanctions available under the student code of conduct, depending upon the seriousness of the violation.

(6) Complaints and appeals. Initial questions or complaints regarding hazing are to be directed to the associate dean for student programs. Appeals are to be addressed to the dean of admissions and registration.

**WSR 96-15-065**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed July 17, 1996, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-071.

Title of Rule: WAC 230-40-050 Fees for card playing.

Purpose: Pursuant to SSB 6430 and RCW 9.46.0281, copetitioners seek to eliminate restrictions on the hourly fee that can be charged a card player.

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: Eliminates restrictions on the hourly fee that can be charged a card player.

Name of Agency Personnel Responsible for Drafting: Carrie Tellefson, Lacey, (360) 438-7654, ext. 374; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank Miller, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Washington State Licensed Beverage Association, Recreational Gaming Association, Washington State Bowling Proprietors Association, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above. This rule eliminates restrictions on the hourly fee that can be charged a card player.

Proposal Changes the Following Existing Rules: The proposal changes the existing rule by eliminating restrictions on the hourly fee that can be charged a card player.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment will eliminate restrictions on the hourly fee that can be charged a card player. This could potentially increase card room licensee revenues.

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: WestCoast Hotel, 625 116th N.E. Boulevard, Bellevue, WA 98008, on September 13, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by September 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Carrie Tellefson, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by September 8, 1996.

Date of Intended Adoption: September 13, 1996.

July 17, 1996  
Carrie Tellefson  
Special Assistant  
to the Director

**AMENDATORY SECTION** (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-40-050 Fees for card playing.** Except as provided in WAC 230-40-055 for card tournaments, no ~~((No))~~ fee shall be charged a person, directly or indirectly, to play in a card game in ~~((excess of those fees))~~ except as set forth ~~((below))~~ in this section. Each type of fee shall be maintained and recorded separately from all other fees as set forth in WAC 230-08-090, and be available for audit by the commission and local law enforcement and taxing authorities.

(1) ~~((For all card games, ((except as provided in subsections (2) and (7) of this section, the fee shall not exceed \$3.00 per half hour, or portion thereof, per player. The))~~ the following procedures apply to collection of such fees:

(a) Fees shall be collected in advance by the licensee in cash, or in wagering chips, directly from the player~~((:))~~;

(b) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards ~~((beyond the \$3.00 per half hour per player, except under subsections (3) and (7) of))~~ except as authorized by this section~~((:))~~;

(c) ~~The fee)~~ A schedule ~~((applicable to the type of games and number of tables in the card room))~~ setting forth all fees to participate in card games shall be ~~((conspicuously))~~ posted ~~((on the premises))~~ in plain view where it can be ~~((clearly))~~ seen by the players in the card games.

(2) A person requesting a new deck of cards beyond those regularly furnished by the operator, as required by WAC 230-40-070(2), may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game.

(3) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

(4) The licensee shall collect the same fee from all players at a table except licensed card room employees or the licensed owner. If the licensee elects to allow free play, then all players at a table must be allowed to play for free.

(5) The amount collected shall be recorded by the licensee each half hour on forms supplied by the commission.

(6) All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

(7) This rule shall not prevent a licensee from collecting an admission fee for entry into that portion of the licensed premises conducting entertainment, provided that the same fee is charged to all patrons.

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

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

**WSR 96-15-066**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed July 17, 1996, 3:44 p.m.]

Original Notice.

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

Title of Rule: WAC 230-04-138 Commercial amusement games—Authorized locations.

Purpose: Allows crane games to be operated in restaurants that do not offer at least three of the following activities: Amusement devices, theatrical productions, mechanical rides, motion pictures, and slide show presentations.

Statutory Authority for Adoption: Section 134, chapter 283, Laws of 1996, RCW 9.46.0331, 9.46.070 (1), (3), (5), (7)-(9), (11), (13), (14), (17), (20), 9.46.090.

Summary: Allows the placement of crane-operated amusement game devices in restaurants where no liquor permit has been issued.

Reasons Supporting Proposal: Legislature and amusement operators requested this rule adoption.

Name of Agency Personnel Responsible for Drafting: Carrie Tellefson, Lacey, (360) 438-7654, ext. 374; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank Miller, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Legislature, 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. The rule allows the operation of crane-operated amusement games in restaurants where no liquor license has been issued.

Proposal Changes the Following Existing Rules: The proposal changes the existing rule by allowing crane games to be operated in restaurants that do not offer at least three of the following activities: Amusement devices, theatrical productions, mechanical rides, motion pictures, and slide show presentations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 34.05.310(4), therefore, a small business economic impact statement is not required.

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: WestCoast Hotel, 625 116th N.E. Boulevard, Bellevue, WA 98008, on September 13, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by September 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Carrie Tellefson, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by September 8, 1996.

Date of Intended Adoption: September 13, 1996.

July 17, 1996  
Carrie Tellefson  
Special Assistant  
to the Director

**AMENDATORY SECTION** (Amending WSR 93-19-090 (Order 244), filed 9/15/93, effective 10/16/93)

**WAC 230-04-138 Commercial amusement games—Authorized locations.** (1) Amusement games may only be conducted by commercial amusement game licensees when operated as a part of, and/or upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than seventeen consecutive days by any licensee during any calendar year; or

(f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities; or

(g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a

regional shopping center shall not be subject to the prohibition on leases of premises based on a percentage of gambling receipts set forth in RCW 9.46.120; or

(h) Any location that possesses a valid license from the Washington state liquor control board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of ten or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption ~~((and who offers family entertainment which includes at least three of the following activities: Amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations));~~ or

(k) Within a grocery store. A grocery store is any retail store selling a line of dry grocery, canned goods, or nonfood items plus some perishable items consisting of more than twelve thousand gross square feet not including the parking areas; or

(l) Any premise controlled and operated by a bona fide charitable/nonprofit organization that it currently licensed to operate punchboards and pull tabs and/or bingo if the rent or other consideration paid to the charitable/nonprofit organization is equal to or greater than twenty-two percent of the gross gambling receipts of the activity.

(2) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations.

(3) No amusement games may be conducted in any location(s) without first having obtained written permission to do so from the person or organization owning the premises or property where the activity will be operated. If the games are conducted as a part of or in conjunction with any of the activities set out in subsection (1)(a), (b), (c), (d), or (e) of this section, written permission must be obtained from the person or organization sponsoring the activity.

(4) All rental agreements relating to use of a premises or site to conduct amusement games must be submitted to the commission as a part of the application.

(5) Any operator licensed to conduct Class B or above amusement games may enter into a contract with the business owner of any of the locations set out in subsection (1)(f), (g), (h), (i), (j), (k), or with charitable/nonprofit organizations set out in subsection (l) of this section to locate and operate amusement games upon their premises if they are licensed to conduct amusement games. All such contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party.

**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.

PROPOSED

**WSR 96-15-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed July 17, 1996, 4:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-071.

Title of Rule: WAC 388-521-2106 Eligibility for children's health program.

Purpose: Allow three-month retro certification for the above program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.09.415.

Summary: See Purpose above.

Reasons Supporting Proposal: This program follows AFDC-related methodology.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-0529.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule provides for a three-month retro certification period which follows AFDC-related methodology.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on any business or industry. This rule concerns eligibility policy and affects only department staff and clients.

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

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by August 13, 1996, TTY (360) 902-8324, or (360) 902-8317.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by August 27, 1996.

Date of Intended Adoption: August 28, 1996.

July 17, 1996

Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-521-2106 Eligibility for children's health program.** The department shall ensure the effective date of eligibility for the children's health program for undocumented alien children:

(1) Shall be the first day of the month when the child is eligible at any time during that month;

(2) May be the first day of the third calendar month before the month of application provided the:

(a) Medical services the child received during the prior three months were covered; and

(b) Child would have been eligible during the prior three months if the child had applied.

**WSR 96-15-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed July 18, 1996, 1:20 p.m.]

Original Notice.

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

Title of Rule: Portability amendments of 1996.

Purpose: To amend the department's rules implementing the portability law codified in chapter 41.54 RCW in order to make those rules consistent with the 1996 amendments to chapter 41.54 RCW.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapter 55, Laws of 1996, all sections.

Summary: The proposed rules amend the department's portability rules so that they conform to the amendments to the portability law enacted in chapter 55, Laws of 1996.

Reasons Supporting Proposal: To bring the department's rules into conformity with chapter 41.54 RCW as amended by chapter 55, Laws of 1996.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4747; Implementation and Enforcement: Margaret Wimmer, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4710.

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 proposed rule is an amendment to provisions of chapter 415-113 WAC governing the department's implementation of the portability law codified in chapter 41.54 RCW. The amendments are necessary to reflect the changes to chapter 41.54 RCW enacted in chapter 55, Laws of 1996. The purpose of the rule and its anticipated effects are to bring the rules into conformity with the statutes as amended to ensure that there are no conflicts between the rules and the authorizing statutes.

Proposal Changes the Following Existing Rules: The proposal changes WAC 415-113-055 to provide for eligibility for a dual member benefit for a person who retires with a disability retirement. WAC 415-113-059 is amended to provide a dual member benefit for the survivor of a person who dies in service. WAC 415-113-070 is amended to allow persons who defer retirement in one of their dual member systems to elect to retire before reaching full eligibility. WAC 415-113-090 is amended to provide for a maximum



benefit equal to the highest benefit the person would be entitled to if they had all of their service in one system.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business impact statement is required.

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 RCW 34.05.328 applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on August 28, 1996, at 4:00.

Assistance for Persons with Disabilities: Contact Paul Neal by August 23, 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: August 30, 1996.

July 18, 1996

Paul Neal

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0306 Multiple system benefit—**  
**Definition.** "Multiple system benefit" means ((~~service~~)) retirement allowances from two or more dual member systems calculated under chapter 41.54 RCW.

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-055 Am I eligible for a multiple system benefit?** To be eligible for a multiple system benefit, you must meet the criteria listed in this section.

(1) You ((~~must~~)) may retire for service or disability. You may ((~~only~~)) retire with a multiple system benefit if you retire from all systems for service((~~, not disability~~)). You may also retire with a disability retirement from your current system, other than a benefit provided by RCW 41.40.220 or WSPRS, and a service retirement from your prior system.

(2) You must retire from all systems. You may only retire with a multiple system benefit if you retire from all dual member systems that you participate in.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Accumulated contributions" - WAC 415-113-0301.
- (b) "Dual member system" - WAC 415-113-0303.
- (c) "Multiple system benefit" - WAC 415-113-0306.

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-059 Can I combine service from different systems to qualify for increased benefits? (1) You may combine service to determine retirement**

**eligibility.** You may combine your service in all systems for the sole purpose of determining your eligibility for a disability or service retirement allowance from your current system and a service retirement allowance from your prior system.

(2) **You may not combine service for any other purpose.** You may not combine your service in all systems to qualify for additional benefits offered by a particular system. Those additional benefits include but are not limited to:

(a) PERS Plan I military service. You may not combine service from other systems to qualify for military service credit in PERS Plan I under RCW 41.40.170.

(b) LEOFF Plan II post-separation benefits. You may not combine your accrued service under both systems for purposes of qualifying for:

(i) A LEOFF Plan II indexed retirement allowance under RCW 41.26.530(2); or

(ii) A refund of one hundred fifty percent of the LEOFF Plan II member's accumulated contributions under RCW 41.26.540.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "System" - RCW 41.54.010(6).

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-070 Can I defer my retirement allowance from a system if I retire with a multiple system benefit? (1) You may defer receipt of your retirement allowance.** If, by combining creditable service, you qualify to retire in one system but not in a second system, you must either:

(a) Receive an actuarially reduced retirement allowance from the second system; or

(b) Defer retirement in the second system until ((fully eligible to receive a retirement allowance from that system)) a later date of your choice. If you choose to begin receiving a retirement allowance from your second system before you are fully eligible, the benefit will be actuarially reduced.

(i) If you elect to defer retirement in the second system, you retain dual member status for the sole purpose of receiving a deferred multiple system benefit ((when fully eligible));

(ii) If you retire from all systems but elect to defer retirement in one dual member system under RCW 41.54.030(3), you may not subsequently withdraw accumulated contributions from that system.

(c) An actuarial reduction under (a) or (b) of this subsection, if applicable, will account for the difference between your age at the time you begin receiving the retirement allowance and the earliest age where you would be fully eligible based upon your combined service. "Fully eligible" means a person who has enough combined service to qualify for a retirement allowance from a dual member system without receiving a reduction for:

(i) Early retirement from a Plan II system pursuant to RCW 41.40.630(2), 41.32.765(2), 41.26.430(2); or

(ii) Retirement as a nonmember participant from WSPRS under RCW 43.43.280(2).

(2) If you defer your retirement allowance and later reenter membership, you are no longer a dual member. If, after deferring retirement, you enter membership in a dual member system, your dual member status terminates. Once your dual member status terminates:

(a) You may only retire under the deferred system if eligible based solely upon that system's retirement eligibility criteria; and

(b) Your retirement allowance under the deferred system will be based solely upon service actually established in that system.

**Example 9:** A sixty-two year old dual member of PERS Plan I and TRS Plan II retires. He elects to receive PERS Plan I benefits but defer receipt of a TRS Plan II retirement allowance (~~until eligible for full benefits at age sixty-five~~). If he becomes reemployed in a TRS Plan II eligible position, he will reenter TRS Plan II membership if otherwise eligible and terminate his dual member status, but he will continue to receive his PERS Plan I retirement allowance. The member's eligibility to retire from TRS Plan II will be based solely on his accrued service credit in TRS Plan II and his TRS Plan II retirement allowance will be based solely on his compensation while he was a member participant in TRS Plan II.

**Example 10:** Assume the retiree in Example 9 above became reemployed in a PERS position rather than a TRS Plan II position. The retiree would reenter PERS Plan I membership, if otherwise eligible, and terminate his dual member status. The effect on the person's right to a TRS Plan II benefit is the same as in Example 9. Because the retiree reentered PERS membership, the department would also suspend his PERS Plan I retirement allowance.

(3) If you defer your retirement allowance and die before you (~~are fully eligible~~) begin receiving the allowance, your survivor may receive a continuing benefit. If you defer receipt of your retirement allowance from a system and die before you (~~are fully eligible~~) elect to begin receiving the allowance:

(a) Your surviving spouse, if any, must elect to receive either:

(i) A joint and one hundred percent survivor option from the deferred system. If your surviving spouse selects this option, your base salary under one system may be substituted for your includable compensation in the deferred system to compute the survivor retirement allowance from the deferred system; or

(ii) A refund of your accumulated contributions from the deferred system.

(b) If you do not have a surviving spouse, the department will pay your accumulated contributions from the deferred system to:

(i) Your designated beneficiary or beneficiaries; or

(ii) Your estate, if there are no living beneficiaries.

(4) (~~"Fully eligible" defined. "Fully eligible" means a person who is eligible to receive a retirement allowance~~

~~from a dual member system without receiving a reduction for:~~

~~(a) Early retirement from a Plan II system pursuant to RCW 41.40.630(2), 41.32.765(2), 41.26.430(2); or~~

~~(b) Retirement as a nonmember participant from PERS Plan I under RCW 41.40.150 (4) and (6) or from WSPRS under RCW 43.43.280(2).~~

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - RCW 41.32.010(4), WAC 415-113-041.

(b) "Member participant" - WAC 415-113-0305.

(c) "Includable compensation" - WAC 415-113-065(3)

(d) "Multiple system participant" - WAC 415-113-0307.

(e) "Nonmember participant" - WAC 415-113-0309.

(f) "System" - RCW 41.54.010(6).

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-090** What is the maximum retirement benefit that I may receive under chapter 41.54 RCW?

(1) **Your benefit may not exceed the (~~lowest~~) highest benefit limit under any one system.** Your multiple system benefit may not exceed the (~~lowest~~) highest maximum benefit which you would be permitted to receive under any one of the dual member systems from which you are retiring. See RCW 41.54.070.

(2) **The department will compute your maximum multiple system benefit in the following order:**

(a) **Calculate the maximum benefit you could receive under each system.** (~~If you retire from PERS Plan I, TRS Plan I, WSPRS or a first class city retirement system;~~) The department will compute your maximum benefit according to the benefit limitation provisions of (~~the relevant~~) each system as if you had earned your total career service and compensation in that system. In computing your maximum benefit under (~~the relevant~~) each system (~~or systems~~), the department will:

(i) Apply the provisions of (~~the individual dual member~~) each system (~~or systems regarding the determination~~) governing the calculation of your average compensation (~~for each~~) in that system; and

(ii) Assume you earned all of your career service with your last employer for purposes of determining any limitations on the inclusion of leave cashouts in your average compensation.

**Example 17:** A multiple system retiree retires from TRS Plan I state employment with prior creditable PERS Plan I service. His state employer pays him an accrued sick leave cashout at termination. Because a sick leave cashout from a state agency employer is not includable as earnable compensation, the department will not include the cashout in the retiree's average compensation for purposes of computing either his PERS Plan I or TRS Plan I maximum benefit.

**Example 18:** A multiple system retiree retires from PERS Plan I local government employment and

receives a sick leave cashout. Because a sick leave cashout from a local government employer may be included as earnable compensation, the department will include the sick leave cashout to compute the retiree's maximum benefits under both PERS Plan I and TRS Plan I.

**(b) Determine your retirement allowances from each system.** After computing your maximum benefit, the department will determine the retirement allowances which you are entitled to from each system under chapter 41.54 RCW before making any reduction under RCW 41.54.070. If applicable, the department will then reduce the amount of your retirement allowances provided by either of the dual member systems for:

(i) Your status as a nonmember participant of (~~PERS Plan I pursuant to RCW 41.40.150 (4) and (6), or a non-member participant of~~) WSPRS pursuant to RCW 43.43.280(2); or

(ii) Your election to retire early from a Plan II system pursuant to RCW 41.40.630(2), 41.32.765(2), and 41.26.430(2).

**(c) Compute your total multiple system benefit.** Upon computing your retirement allowances from each system and making any applicable reductions under (b) of this subsection, the department will add the systems' allowances to compute your total multiple system benefit.

**(d) Compare your total multiple system benefit with your maximum benefit and, if necessary, proportionately reduce your retirement allowances.** The department will then compare your total multiple system benefit with your maximum benefit calculated in (a) of this subsection. If your total multiple system benefit exceeds your maximum benefit, the department will proportionately reduce your retirement allowances provided by each system as follows:

(i) Calculate what proportion your total multiple system benefit is provided by each system separately;

(ii) Proportionately reduce the benefit provided by each system to account for the excess of your total multiple system benefit over your maximum benefit.

**Example 19:** A person with twenty-nine years of prior service in TRS Plan I and one year of subsequent service in PERS Plan II retires from both systems at age sixty-five. The retiree's TRS Plan I average compensation is thirty thousand dollars. The TRS Plan I maximum benefit is sixty percent of average compensation. The retiree's maximum TRS benefit is eighteen thousand dollars or one thousand five hundred dollars per month. (~~Because PERS Plan II does not have a maximum benefit limit, the TRS Plan I maximum benefit amount is the retiree's maximum benefit.~~) The retiree's PERS Plan II average compensation is twenty-eight thousand dollars. The retiree's maximum PERS II benefit is sixteen thousand eight hundred dollars or one thousand four hundred dollars per month. The retiree's maximum benefit is the higher of the two amounts, one thousand five hundred dollars per month.

Assume the retiree's accrued service is such that her actual TRS Plan I monthly benefit is one thousand four hundred fifty dollars and her PERS Plan II monthly benefit is one hundred dollars. The retiree's total multiple system benefit is the sum of her TRS Plan I and PERS Plan II benefits, or one thousand five hundred fifty dollars. Because the retiree's total multiple system benefit exceeds her maximum benefit by fifty dollars, the department would proportionately reduce her TRS Plan I and PERS Plan II benefits. Her TRS Plan I benefit is 29/30 of her total service or ninety-seven percent, and her PERS Plan II benefit is 1/30 of total service, or three percent. The department would reduce her TRS Plan I benefit by ninety-seven percent of the overage, or forty-eight dollars and fifty cents (50 x .97) and her PERS Plan II benefit by three percent of the overage, or one dollar and fifty cents (50 x .03).

**(3) If you select a benefit payment option, the department will reduce your multiple system benefit to account as appropriate.** After making any applicable maximum benefit reductions (~~(in your benefit under subsection (1)(d) of this section)~~), the department will further reduce your benefit if you elect:

(a) To withdraw your accumulated contributions at the time you retire from TRS Plan I;

(b) A survivor benefit option; or

(c) A cost-of-living adjustment (COLA) option.

**(4) Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC 415-113-0302.

(b) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(c) "Dual member system" - WAC 415-113-0303.

(d) "First class city system" - WAC 415-113-0304.

(e) "Member participant" - WAC 415-113-0305.

(f) "Multiple system benefit" - WAC 415-113-0306.

(g) "Multiple system retiree" - WAC 415-113-0308.

(h) "Nonmember participant" - WAC 415-113-0309.

#### WSR 96-15-085

#### PROPOSED RULES

#### INSURANCE COMMISSIONER'S OFFICE

[Filed July 19, 1996, 10:20 a.m.]

Continuance of WSR 96-11-144.

Preproposal statement of inquiry was filed as WSR 95-23-100.

Title of Rule: Long-term care partnership.

Other Identifying Information: Insurance Commissioner Matter No. R 95-16.

Date of Intended Adoption: August 8, 1996.

July 18, 1996

Greg J. Scully

Chief Deputy Commissioner

**WSR 96-15-089**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 19, 1996, 3:08 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-22-014 and 96-06-032.

**Title of Rule and Purpose:** Chapter 296-150A WAC, Rules and regulations for factory-built housing and commercial structures, and the governor's advisory board; and chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles. These rules are being repealed. Based on industry suggestion, four separate rules are being proposed to replace the old rules. The proposed rules are chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150M WAC, Manufactured homes; and chapter 296-150R WAC, Recreational vehicles and park trailers.

**The proposed rules:**

- Allow licensed professionals to approve design plans for factor-built homes, commercial structures, and commercial coaches, SHB 1660;
- Allow recreational vehicle and park trailer manufacturers to self-certify, SHB 1429;
- Rewrite the rules in the clear rule writing style;
- Remove outdated and redundant language from the rules on these subjects;
- Use questions for section titles to better describe the information contained in each rule section;
- Use a less formal voice and eliminate the passive voice in the rules when possible;
- Reorganize the rules and make them easier to use;
- Delete numbered definitions and alphabetize the definitions as requested by the code reviser;
- Delete definitions of words not used in the chapter or whose meaning is commonly understood;
- Include an optional fee for three-year design plan approval;
- Establish fees for self-certification.

**Statutory Authority for Adoption:** RCW 43.22.340 and 43.22.480.

**Statute Being Implemented:** RCW 43.22.325 through 43.22.490.

**Summary:** Chapter 296-150C WAC, Commercial coaches; and chapter 296-150F WAC, Factory-built housing and commercial structures, in the proposed commercial coach rules the definition of commercial coach is amended. It now includes vendor units, a type of commercial coach which we regulate. In addition, a code section is added to the commercial coach rule specifically for vendor unit design. The small business owner or a nonprofit organization, who operates a commercial vehicle converted to a vendor unit, does not have to comply with all of the structural requirements of a commercial coach, but only needs to comply with the requirements in the vendor unit code. This amendment benefits the small business owner.

The department currently approves all design plans for commercial coaches, factory-built homes, and commercial structures. The proposed rules give these manufacturers the option of having their design plans approved by us or by a

licensed professional authorized by us. Requirements for authorization are listed in the proposed rule.

The proposed rules clarify that manufacturers must have approved design plans on hand prior to the department's inspection of their units for insignia approval. This prevents the manufacturer from having to redo construction because they did not build a unit according to an approved design plan.

The rule proposal further clarifies that insignia must be purchased even for used commercial coaches used in Washington. The fee schedule for commercial coaches, factory-built housing, and commercial structures was amended to include a fee for three-year design plan approval option.

Chapter 296-150M WAC, Manufactured homes, the Department of Labor and Industries, in conjunction with the Department of Commerce [Community], Trade and Economic Development (CTED), the Department of Licensing, and the local building departments regulate the manufactured home industry in Washington. The Department of Labor and Industries is responsible for setting standards for manufactured home installations. CTED is responsible for handling consumer complaints for manufactured homes. The Department of Licensing is responsible for licensing manufacturers and dealers in Washington state. The local jurisdictions are responsible for building site requirements and installation inspections.

The rules specifically list the hierarchy of instructions one must follow when installing a manufactured home and stresses that a manufacturer's instructions must be followed when appropriate. Adoption of the manufactured home ANSI standard ensures that secondary installations are consistently made according to a nationally recognized standard.

In addition, a specific section has been added to these rules to clarify that local jurisdictions are responsible for setting the requirements for on-site structural freestanding additions such as carports, decks, and steps.

Chapter 296-150R WAC, Recreational vehicles and park trailers, legislation was passed allowing recreational vehicle and park trailer manufacturers to self-certify. We are proposing rules which set out the requirements for manufacturers who want to self-certify. The benefits of becoming a self-certified manufacturer are: (1) No design plan approval after becoming self-certified and (2) no annual audit by the department.

However, to be self-certified a manufacturer must:

- Send us a written request for self-certification;
- Successfully pass an initial self-certification audit;
- Designate an industry association or other qualified independent auditor to perform audits; and
- Provide written approval to us from the auditor to review their audit documentation.

Following self-certification, the department may audit a manufacturer if we have reason to believe a manufacturer is not complying with the requirements of this chapter and ANSI. This proposal gives instances for a departmental audit subsequent to self-certification.

We have also made an amendment for the manufacturer who purchases insignia under the old method or state plan. Design plans are considered approved until the ANSI code is amended, unless ANSI revisions in the interim do not

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support plan approval. A fee schedule was established for the self-certification program.

Name of Agency Personnel Responsible for Drafting: Dan Sevcik, 7273 Linderson Way, Tumwater, WA, (360) 902-5218; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of Washington law, SHB 1660 and 1429.

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

Proposal Changes the Following Existing Rules: Chapter 296-150A WAC, Rules and regulations for factory-built housing and commercial structures, and the governor's advisory board and chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles are being repealed.

A small business economic impact statement has been prepared under chapter 19.85 RCW on chapter 296-150R WAC, Recreational vehicles and park trailers.

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

**INTRODUCTION:** During the 1995 legislature, two bills were passed that required the department to revise and update existing rules in chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles. In conjunction to the 1995 legislative mandate, industry requested that the existing rule be divided into four unique rules concerning recreational vehicles (RVs) and park trailers, manufactured homes, factory-built housing, and commercial coaches. This rule proposes a new standard specific to RVs and park trailers.

As part of the legislative mandate, the department has been directed to develop a self-certification program for selling recreational vehicles in Washington. To comply with this mandate, the department is proposing to clarify rules concerning RVs and park trailers. The department is also developing new certification programs and fee schedules, including a self-certification program.

**SUMMARY OF PROPOSED RULE:** The department is proposing to make the following changes to the existing rule:

***I. Draft new language specific to recreational vehicles and park trailers, including modifications to the current RV and park trailer fee schedule.***

Current Fee Schedule

- Initial Filing Fee - one time fee \$25
- Design Plan Approval \$70
- Resubmittal for Plan Approval \$50
- Renewal of a Design Plan - annual \$30
- Quality Control Manual - annual \$10
- Audit - annual \$50/hour
- Insignia \$20/RV or Park Trailer
- Audit Travel & Expenses - annual Variable (includes air fare, car rental, hotel, food, etc.)

The department is proposing two new fee schedules for manufacturers: The *State Plan Fee Schedule*; and the *Self-Certification Fee Schedule*.

State Plan Fee Schedule

- Initial Filing Fee - one time fee \$25
- Design Plan Approval \$70
- Resubmittal for Plan Approval \$50
- Renewal of a Design Plan None
- Quality Control Manual - one time fee \$10
- Audit - annual \$50/hour
- Insignia \$10/RV or Park Trailer
- Audit Travel and Expenses - annual Variable (includes air fare, car rental, hotel, food, etc.)

Self-Certification Fee Schedule

- Initial Filing Fee - one time fee \$25
- Design Plan Approval - one time fee \$70/RV or Park Trailer model
- Resubmittal for Plan Approval \$50
- Renewal of a Design Plan None
- Quality Control Manual - one time fee \$10
- Initial Audit - one time \$50/hour
- Performance Audit - every two years \$50/hour
- Insignia \$10/RV or Park Trailer
- Audit Travel and Expenses Variable (includes air fare, car rental, hotel, food, etc.)

Note: In order to simplify this analysis, some "less significant" fees were omitted from the above schedules.

To participate in the self-certification program, manufacturers must have their manufacturing process and quality control program audited at every six months by a qualified inspector from either: (a) A recognized industry association; or (b) a qualified independent auditor. The auditors, and audit information, must meet specific requirements as outlined in the proposed rule.

The department will conduct a performance audit of the industry association or designated independent auditor at least once every two years. Because approximately 95% of the one hundred fifty manufacturers nationwide are currently members of the Recreational Vehicle Industry Association (RVIA), which conducts such semiannual audits, the potential economic impact associated with the six-month audits has not been considered in this evaluation.

An audit may be prompted if the agency has reasonable cause to believe that a manufacturer is operating out of compliance.

***II. Incorporate legislatively mandated changes concerning manufacturing certification and design plan review.***

***III. The department will also use "clear rule writing" concepts in the drafting of this rule to enhance the readability and promote voluntary compliance by RV and park trailer manufacturers.***

**INDUSTRY ANALYSIS:** The department currently certifies one hundred fifty RV and park trailer manufacturers to sell in Washington. These one hundred fifty RV and park trailer manufacturers represent all the businesses that may potentially be impacted by the proposed rule. Since the department's internal information concerning these manufac-

turers is more detailed and more pertinent than information available at the four-digit Standard Industrial Classification (SIC) Code level, the department will use internal information to conduct this analysis.

To better understand the potential impact of the proposed rule on these businesses, the department selected fifteen manufacturers of varying size to analyze. These manufacturers will remain anonymous to maintain confidentiality. A brief summary of the sample manufacturers follows (Table 1. and Table 2.):

Table 1.

Manufacturer	Employees
Manufacturer A	33
Manufacturer B	26
Manufacturer C	190
Manufacturer D	150
Manufacturer E	6
Manufacturer F	120
Manufacturer G	51
Manufacturer H	23
Manufacturer I	205
Manufacturer J	47
Manufacturer K	26
Manufacturer L	250
Manufacturer M	55
Manufacturer N	30
Manufacturer O	3,030
Total	4,242

Table 2.

Total Number of Businesses	15
Total Number of Employees	4,242
Average Number of Employees/Business	283
Number of Large Businesses	8
Average Number of Employees/Large Business	506
Number of Small Businesses	7
Average Number of Employees/Small Business	27

**COST OF COMPLIANCE:** To evaluate the potential cost of compliance of the proposed rule, current costs actually incurred by manufacturers were used to develop a baseline for this analysis. These current annual costs (Table 3.) were derived from manufacturing activity that occurred from February 1995 through May 1996.

Table 3.

Manufacturer	Expenditures/ Business	Expenditures/ Employee
Manufacturer A	\$2,081	\$63
Manufacturer B	\$1,796	\$69
Manufacturer C	\$1,901	\$10
Manufacturer D	\$9,129	\$61
Manufacturer E	\$1,141	\$190
Manufacturer F	\$2,413	\$20
Manufacturer G	\$6,583	\$129
Manufacturer H	\$1,614	\$70
Manufacturer I	\$3,218	\$16
Manufacturer J	\$1,804	\$38
Manufacturer K	\$1,504	\$58
Manufacturer L	\$15,969	\$64
Manufacturer M	\$1,806	\$33
Manufacturer N	\$1,155	\$39
Manufacturer O	\$9,458	\$3

Using these recent annual expenditures as a baseline, and making the assumption that these manufacturers would maintain the same level of productivity and incur similar costs in the future, the department was able to determine the net present value (NPV-represents total expenditures over time in present value dollars, assuming an annual rate of inflation of 3.1%) for each manufacturer relative to the varying fee schedules. For the analysis, net present values were calculated based on the *Current Fee Schedule*, the *State Plan Fee Schedule*, and the *Self-Certification Fee Schedule*.

The significant cost components associated with the three fee schedules are:

Current Fee Schedule

- Design Plan Approvals
- Annual Renewals of Design Plans
- Annual Quality Control Manual Costs
- Annual Audit

State Plan Fee Schedule

- Design Plan Approvals
- No Annual Renewals of Design Plans
- One-Time Quality Control Manual Costs
- Annual Audit

Self-Certification Fee Schedule

- One-Time Design Plan Approvals
- No Annual Renewals of Design Plans
- One-Time Quality Control Manual Costs
- One-Time Initial Comprehensive Audit
- Six-Month Audits Conducted by a Designated Industry Association or Independent Auditor
- Performance Audit Every Two Years

Net present values were calculated for three-year and six-year scenarios on a "per business" and "per employee" basis, and are presented below (Table 4a. *NPV/Business* and Table 4b. *NPV/Employee*). Once again, the net present value represents the total cost (discounted 3.1%) "per business" or "per employee" for the time period analyzed:

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Table 4a. NPV/Business

MFG	Current 3-Year	Current 6-Year	State Plan 3-Year	State Plan 6-Year	Self-Cert. 3-Year	Self-Cert. 6-Year
Manufacturer A	\$5,829	\$11,125	\$5,641	\$10,757	\$3,682	\$5,078
Manufacturer B	\$5,070	\$9,697	\$4,487	\$8,573	\$3,101	\$4,591
Manufacturer C	\$5,321	\$10,153	\$4,822	\$9,191	\$3,318	\$4,628
Manufacturer D	\$25,726	\$49,179	\$22,499	\$42,990	\$11,496	\$15,380
Manufacturer E	\$3,175	\$6,050	\$3,156	\$6,006	\$2,289	\$3,264
Manufacturer F	\$6,766	\$12,918	\$6,747	\$12,873	\$3,725	\$4,753
Manufacturer G	\$18,585	\$35,543	\$9,928	\$18,977	\$8,913	\$15,983
Manufacturer H	\$4,510	\$8,604	\$4,492	\$8,559	\$2,817	\$3,812
Manufacturer I	\$9,039	\$17,264	\$7,609	\$14,520	\$5,194	\$7,515
Manufacturer J	\$5,093	\$9,740	\$4,905	\$9,372	\$2,928	\$3,936
Manufacturer K	\$4,246	\$8,121	\$3,889	\$7,428	\$2,690	\$3,852
Manufacturer L	\$45,037	\$86,110	\$23,167	\$44,276	\$17,325	\$29,247
Manufacturer M	\$5,099	\$9,751	\$4,854	\$9,275	\$2,934	\$4,004
Manufacturer N	\$3,214	\$6,125	\$3,196	\$6,081	\$1,932	\$2,490
Manufacturer O	\$26,702	\$51,066	\$16,491	\$31,531	\$12,224	\$19,967

Table 4b. NPV/Employee

MFG	Current 3-Year	Current 6-Year	State Plan 3-Year	State Plan 6-Year	Self-Cert. 3-Year	Self-Cert. 6-Year
Manufacturer A	\$177	\$337	\$171	\$326	\$112	\$154
Manufacturer B	\$195	\$373	\$173	\$330	\$119	\$177
Manufacturer C	\$28	\$53	\$25	\$48	\$17	\$24
Manufacturer D	\$172	\$328	\$150	\$287	\$77	\$103
Manufacturer E	\$529	\$1,008	\$526	\$1,001	\$381	\$544
Manufacturer F	\$56	\$108	\$56	\$107	\$31	\$40
Manufacturer G	\$364	\$697	\$195	\$372	\$175	\$313
Manufacturer H	\$196	\$374	\$195	\$372	\$122	\$166
Manufacturer I	\$44	\$84	\$37	\$71	\$25	\$37
Manufacturer J	\$108	\$207	\$104	\$199	\$62	\$84
Manufacturer K	\$163	\$312	\$150	\$286	\$103	\$148
Manufacturer L	\$180	\$344	\$93	\$177	\$69	\$117
Manufacturer M	\$93	\$177	\$88	\$169	\$53	\$73
Manufacturer N	\$107	\$204	\$107	\$203	\$64	\$83
Manufacturer O	\$9	\$17	\$5	\$10	\$4	\$7

**Disproportionate Economic Impact:** The Regulatory Fairness Act requires that the average cost for small business be compared to the average cost for the ten percent of businesses that are the largest businesses. However, information concerning the ten percent of businesses that are the largest businesses was not readily available. Therefore, a comparison of the average cost per employee for small and large employers was conducted using information from the fifteen selected manufacturers. The department believes that this comparison will adequately evaluate potential disproportionality.

The following data (Table 5, 6 and 7) compares the average net present value (costs) of the small employers to the average net present value of the large employers. Comparative cost ratios are calculated to demonstrate the variations in costs on a "per business" and "per employee" basis — a comparative cost ratio of less than one indicates that small manufacturers would pay less than large manufacturers on average; a ratio of one indicates that small and large manufacturers would pay the same on average; and a ratio of greater than one indicates that small business would pay more than large manufacturers on average.

Table 5.

<i>Current Fee Schedule</i>	3-year	Ratio	6-year	Ratio
Average NPV/Business - All Small Manufacturers	\$4,448	.25	\$8,495	.25
Average NPV/Business - All Large Manufacturers	\$17,784		\$33,998	
Average NPV/Employee - All Small Manufacturers	\$211	1.79	\$402	1.78
Average NPV/Employee - All Large Manufacturers	\$118		\$226	

Table 6.

<i>State Plan Fee Schedule</i>	3-year	Ratio	6-year	Ratio
Average NPV/Business - All Small Manufacturers	\$4,252	.35	\$8,111	.35
Average NPV/Business - All Large Manufacturers	\$12,015		\$22,954	
Average NPV/Employee - All Small Manufacturers	\$204	2.52	\$388	2.50
Average NPV/Employee - All Large Manufacturers	\$81		\$155	

Table 7.

<i>Self Certification Fee Schedule</i>	3-year	Ratio	6-year	Ratio
Average NPV/Business - All Small Manufacturers	\$2,777	.34	\$3,860	.30
Average NPV/Business - All Large Manufacturers	\$8,141		\$12,685	
Average NPV/Employee - All Small Manufacturers	\$138	2.46	\$194	2.18
Average NPV/Employee - All Large Manufacturers	\$56		\$89	

The Regulatory Fairness Act requires that costs be compared at such detail as "per employee." Therefore, the "per business" data have been provided for informational purposes only. "Per employee," the ratios for all three fee schedules are indicative of a potential disproportionate economic impact, with small employers paying more than twice as much as large employers.

Although the department recognizes the potential for disproportionate economic impacts based on the size of a manufacturer, this disproportionality is offset by the proposed reduction in overall costs. In conjunction with the reduction in fees, the department has further mitigated the impact of the proposed rule by providing manufacturers a choice of certification programs.

**INVOLVEMENT OF SMALL BUSINESS:** Small manufacturers were contacted as part of the research effort involved with this analysis. Factory Assembled Structures' Advisory Board members, representing both large and small business, participated in the development of the proposed rule.

**PROFESSIONAL SERVICES:** To participate in the self-certification program, employers must have their manufacturing process and quality control program audited every six months by a qualified inspector from either: (a) A recognized industry association; or (b) a qualified independent auditor. The auditors, and audit information, must meet specific requirements as outlined in the proposed rule. The department estimates that 95% of all manufacturers are currently members of the RVIA, which provides audits every six months. For these manufacturers, there would be no costs associated with this specific requirement.

However, if a manufacturer should need to hire professional services to comply with this aspect of the proposed

rule, the department believes that any costs would be offset by the revisions made in the certification fee schedules.

**MITIGATION:** Although there is the potential for a disproportionate economic impact, on a "per employee" basis, the department has mitigated the impact by providing manufacturers with an opportunity to select between two new certification fee schedules that will reduce total overall costs.

**CONCLUSION:** The department has been directed by the legislature to update and revise existing rules concerning recreational vehicles and park trailers, and to develop a self-certification program. With input from industry, language has been drafted that clarifies requirements, and offers manufacturers an option to become self-certified and participate in a less burdensome certification program. While manufacturers would incur an increase in department-associated costs for the first year, the self-certification program would offer savings beginning as early as the second year.

It should be noted that the department believes the majority of manufacturers will choose to become self-certified and take advantage of the reduced fee schedule.

A copy of the statement may be obtained by writing to Dan Sevcik, Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440, phone (360) 902-5218, or FAX (360) 902-5229.

A small business economic impact statement was not required for the following proposed rules because the rules do not place more than a minor impact on business: Chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; and chapter 296-150M WAC, Manufactured homes.



Section 201, chapter 403, Laws of 1995, applies to this rule adoption. We are applying section 201 to chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150M WAC, Manufacturing homes; and chapter 296-150R WAC, Recreational vehicles and park trailers, because we are considering these rules significant legislative rules. Copies of the rule-making criteria analysis, the rule implementation plan, and the cost benefit analysis are on file at the department.

**Hearing Location:** Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on August 28, 1996, at 9:30 a.m.; and at Cavanaugh's at Yakima Center, Upper Terrace, 607 East Yakima Avenue, Yakima, WA, on August 29, 1996, at 9:30 a.m.

**Assistance for Persons with Disabilities:** Contact Linda Dausener by August 12, 1996, (360) 902-5516.

**Submit Written Comments to:** Dan Sevcik, Construction Compliance Assistant Chief, P.O. Box 44440, Olympia, WA 98504-4440, by September 5, 1996.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5229 or Email to sev235@lni.wa.gov. Comments submitted by FAX must be ten pages or less.

**Date of Intended Adoption:** October 23, 1996.

July 19, 1996  
Mark O. Brown  
Director

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-150A-005 Application and scope.
- WAC 296-150A-011 Enforcement.
- WAC 296-150A-016 Definitions.
- WAC 296-150A-021 Insignia of approval—In general.
- WAC 296-150A-024 Filing a design plan.
- WAC 296-150A-030 Requirements for design plans.
- WAC 296-150A-035 Engineering analysis and test procedures.
- WAC 296-150A-040 Department check of the design plan.
- WAC 296-150A-045 Resubmittal of corrected design plan.
- WAC 296-150A-051 Application for approval of a compliance control manual.
- WAC 296-150A-055 Changes to a design plan or an approved compliance control manual.
- WAC 296-150A-060 Renewal of a design plan.
- WAC 296-150A-065 Trade secrets.
- WAC 296-150A-070 Applications for inspection and insignia for factory-built structures and components.
- WAC 296-150A-075 Applications for insignia for factory-built structures and components.
- WAC 296-150A-080 Inspections at a manufacturer's plant by a local enforcement

agency, an independent inspection agency, or the manufacturer.

- WAC 296-150A-085 Other inspections by the department.
- WAC 296-150A-090 Action after inspection.
- WAC 296-150A-095 Inspection of factory-built structures after installation at the building site.
- WAC 296-150A-100 Complaint investigations.
- WAC 296-150A-105 Fee required if a structure or component is not ready for inspection.
- WAC 296-150A-110 Alterations.
- WAC 296-150A-115 Application for alteration insignia and approval of alteration.
- WAC 296-150A-120 Lost or damaged insignia.
- WAC 296-150A-125 Notice of noncompliance.
- WAC 296-150A-130 Prohibited sale or lease notice.
- WAC 296-150A-135 Approval of equipment.
- WAC 296-150A-140 Department approval of listing and testing agencies, licensed professional engineers, and licensed architects.
- WAC 296-150A-145 Approval of alternates.
- WAC 296-150A-150 Manufacturing in more than one location.
- WAC 296-150A-155 Change of name, address, or ownership.
- WAC 296-150A-160 Discontinuance of a product line.
- WAC 296-150A-170 Reciprocal agreements.
- WAC 296-150A-300 Construction standards for factory-built structures.
- WAC 296-150A-800 Hearings—Public hearing.
- WAC 296-150A-805 Board of appeals.
- WAC 296-150A-815 Foreword.
- WAC 296-150A-820 Definitions.
- WAC 296-150A-825 Officers.
- WAC 296-150A-830 Internal management.
- WAC 296-150A-835 Duties.
- WAC 296-150A-840 Hearings.
- WAC 296-150A-845 Appearance and practice before the board.
- WAC 296-150A-850 Solicitation of business unethical.
- WAC 296-150A-855 Standards of ethical conduct.
- WAC 296-150A-860 Appearance by former employee.
- WAC 296-150A-865 Former employee as expert witness.
- WAC 296-150A-870 Computation of time.
- WAC 296-150A-875 Administrative Procedure Act.
- WAC 296-150A-950 Hearing on aggrievances.
- WAC 296-150A-990 Fees.

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-150B-005 Application and scope.

- PROPOSED**
- WAC 296-150B-010 Enforcement.
  - WAC 296-150B-015 Definitions.
  - WAC 296-150B-020 Insignia of approval—In general.
  - WAC 296-150B-025 Application for approval of a design plan.
  - WAC 296-150B-030 Requirements for design plans.
  - WAC 296-150B-035 Engineering analysis and test procedures.
  - WAC 296-150B-040 Department approval of the design plan.
  - WAC 296-150B-045 Resubmittal of corrected design plan.
  - WAC 296-150B-050 Application for approval of a quality control manual.
  - WAC 296-150B-055 Changes to an approved design plan or quality control manual.
  - WAC 296-150B-060 Expiration of design plan approval.
  - WAC 296-150B-065 Trade secrets.
  - WAC 296-150B-070 Applications for HUD insignia for mobile homes.
  - WAC 296-150B-075 Applications for inspection and insignia for commercial coaches, recreational vehicles, and components.
  - WAC 296-150B-080 Applications for insignia for commercial coaches, recreational vehicles, and components.
  - WAC 296-150B-085 Inspections at a manufacturer's plant by a local enforcement agency, an independent inspection agency, or the manufacturer.
  - WAC 296-150B-090 Other inspections by the department.
  - WAC 296-150B-095 Action after inspection.
  - WAC 296-150B-100 Inspection of commercial coaches after installation at the building site.
  - WAC 296-150B-105 Complaint investigations.
  - WAC 296-150B-110 Fee required if a structure or component is not ready for inspection.
  - WAC 296-150B-115 Alterations.
  - WAC 296-150B-120 Application for alteration insignia and approval of alteration.
  - WAC 296-150B-122 Location of insignia.
  - WAC 296-150B-125 Identification of commercial coaches and recreational vehicles.
  - WAC 296-150B-130 Lost or damaged insignia.
  - WAC 296-150B-135 Notice of noncompliance.
  - WAC 296-150B-140 Prohibited sale or lease notice.
  - WAC 296-150B-145 Approval of equipment.
  - WAC 296-150B-150 Department approval of listing and testing agencies, licensed professional engineers, and licensed architects.
  - WAC 296-150B-155 Approval of alternates.
  - WAC 296-150B-160 Manufacturing in more than one location.
  - WAC 296-150B-165 Change of name or address.
  - WAC 296-150B-175 Change of ownership.
  - WAC 296-150B-180 Reciprocal agreements.
  - WAC 296-150B-185 Reciprocal agreement for recreational vehicles.
  - WAC 296-150B-200 General installation requirements for mobile homes.
  - WAC 296-150B-205 Installation permits.
  - WAC 296-150B-210 Inspections.
  - WAC 296-150B-215 Requirements of local jurisdictions.
  - WAC 296-150B-220 Inspection by local jurisdictions.
  - WAC 296-150B-225 Building site preparation.
  - WAC 296-150B-230 Foundation system footings.
  - WAC 296-150B-235 Foundation system piers.
  - WAC 296-150B-240 Foundation system plates and shims.
  - WAC 296-150B-245 Foundation facia.
  - WAC 296-150B-250 Anchoring systems.
  - WAC 296-150B-255 Assembly.
  - WAC 296-150B-300 Construction requirements for mobile homes.
  - WAC 296-150B-305 Standards for recreational vehicles.
  - WAC 296-150B-307 Standards for park trailers.
  - WAC 296-150B-310 Construction requirements for recreational vehicles—Power-supply assembly.
  - WAC 296-150B-315 Construction standards for recreational vehicles—Low voltage circuits.
  - WAC 296-150B-400 Definitions.
  - WAC 296-150B-403 Minimum requirements.
  - WAC 296-150B-407 Structural analysis.
  - WAC 296-150B-410 Standards for equipment and installations.
  - WAC 296-150B-413 Structural design—Requirements.
  - WAC 296-150B-417 New materials and methods.
  - WAC 296-150B-420 Design dead loads.
  - WAC 296-150B-423 Design live loads.
  - WAC 296-150B-427 Standard wind.
  - WAC 296-150B-430 Roof loads.
  - WAC 296-150B-433 Snow loads.
  - WAC 296-150B-437 Posting design loads.
  - WAC 296-150B-440 Design load deflection.
  - WAC 296-150B-443 Fastening of structural systems.
  - WAC 296-150B-447 Instructions.
  - WAC 296-150B-450 Walls.
  - WAC 296-150B-453 Drilling or notching of wood wall structural members.
  - WAC 296-150B-457 Firestopping.
  - WAC 296-150B-460 Interior walls and partitions.
  - WAC 296-150B-463 Floors.
  - WAC 296-150B-467 Drilling or notching of wood joist structural members.
  - WAC 296-150B-470 Roof trusses.
  - WAC 296-150B-473 Structural load test.
  - WAC 296-150B-477 Roof coverings.

- WAC 296-150B-480 Flame-spread limitations and combustibility.
- WAC 296-150B-483 Kitchen cabinet protection.
- WAC 296-150B-487 Carpeting.
- WAC 296-150B-490 Undervehicle closure material.
- WAC 296-150B-497 Bathroom.
- WAC 296-150B-500 Glass and glazed openings.
- WAC 296-150B-503 Fire warning equipment—Automatic smoke detectors.
- WAC 296-150B-507 Room and hallway sizes.
- WAC 296-150B-508 Insulation standards.
- WAC 296-150B-510 Handicap standards.
- WAC 296-150B-513 Light and ventilation.
- WAC 296-150B-515 Heating, cooling, and ventilation requirements for portable classrooms.
- WAC 296-150B-517 Exit facilities.
- WAC 296-150B-520 Weather resistance.
- WAC 296-150B-523 Windstorm protection.
- WAC 296-150B-527 Table—Ties required per side of single width commercial coach.
- WAC 296-150B-530 Table—Accepted engineering practice standards.
- WAC 296-150B-533 Table—Glazing in hazardous locations.
- WAC 296-150B-537 Table—Minimum uniformly distributed live loads.
- WAC 296-150B-540 Table—Concentrated live loads.
- WAC 296-150B-543 Interior privacy.
- WAC 296-150B-547 Interior passage.
- WAC 296-150B-550 Electrical—General.
- WAC 296-150B-553 Definitions.
- WAC 296-150B-557 Low-voltage systems—Low-voltage circuits.
- WAC 296-150B-560 Wiring materials—Combination electrical systems.
- WAC 296-150B-563 Generator installations—Mounting.
- WAC 296-150B-567 Branch circuit and feeder calculations.
- WAC 296-150B-570 Disconnecting means and branch circuit protective equipment—General.
- WAC 296-150B-573 Power supply—Feeder assembly equipment.
- WAC 296-150B-577 Identification of feeder assembly connection.
- WAC 296-150B-580 Wiring methods—Wiring of expandable or multiple units.
- WAC 296-150B-583 Under-chassis wiring.
- WAC 296-150B-587 Rodent resistance.
- WAC 296-150B-590 Electrical equipment—Lighting fixtures.
- WAC 296-150B-593 Equipment mounting.
- WAC 296-150B-597 Outdoor outlets, fixtures, air cooling equipment, etc.
- WAC 296-150B-600 Grounding—General.
- WAC 296-150B-603 Switch and receptacle plates.
- WAC 296-150B-607 Dielectric strength test.
- WAC 296-150B-610 Mechanical—General.
- WAC 296-150B-613 Mechanical—Definitions.
- WAC 296-150B-617 LPG equipment and installations—Construction of containers.
- WAC 296-150B-620 Location of LPG containers and systems.
- WAC 296-150B-623 LPG container valves and accessories.
- WAC 296-150B-627 LPG safety devices.
- WAC 296-150B-630 LPG system enclosure and mounting.
- WAC 296-150B-633 LPG system design and service line pressure.
- WAC 296-150B-637 Electrical equipment.
- WAC 296-150B-640 Gas piping systems—General.
- WAC 296-150B-643 Piping design.
- WAC 296-150B-647 Materials.
- WAC 296-150B-650 Expandable or multiple commercial coaches.
- WAC 296-150B-653 System sizing—Gas pipe sizing.
- WAC 296-150B-657 Sizing and capacity of gas piping.
- WAC 296-150B-660 Description of tables.
- WAC 296-150B-663 Use of capacity tables.
- WAC 296-150B-667 Table—Iron pipe and tubing sizes.
- WAC 296-150B-670 Joints and installation—Joints for gas pipe.
- WAC 296-150B-673 Joints in gas tubing systems.
- WAC 296-150B-677 Concealed tubing.
- WAC 296-150B-680 Pipe-joint compound.
- WAC 296-150B-683 Concealed joints.
- WAC 296-150B-687 Hangers and supports.
- WAC 296-150B-690 Electrical ground.
- WAC 296-150B-693 Identification of gas supply connections.
- WAC 296-150B-697 Gas piping system openings.
- WAC 296-150B-700 Appliance connections.
- WAC 296-150B-703 Valves.
- WAC 296-150B-707 Testing for leakage—Before appliances are connected.
- WAC 296-150B-710 After appliances are connected.
- WAC 296-150B-713 Rodent resistance.
- WAC 296-150B-717 Oil piping systems—General.
- WAC 296-150B-720 Oil piping systems—Expandable or multiple commercial coaches.
- WAC 296-150B-723 Oil piping systems—Materials.
- WAC 296-150B-727 Oil piping systems—Size of oil piping.
- WAC 296-150B-730 Oil piping systems—Joints for oil piping.
- WAC 296-150B-733 Oil piping systems—Tubing joints.
- WAC 296-150B-737 Oil piping systems—Pipe-joint compound.
- WAC 296-150B-740 Oil piping systems—Couplings.
- WAC 296-150B-743 Oil piping systems—Grade of piping.

WAC 296-150B-747	Oil piping systems—Strap hangers.
WAC 296-150B-750	Oil piping systems—Testing for leakage.
WAC 296-150B-753	Appliances—Heat-producing.
WAC 296-150B-757	Appliances—Installation.
WAC 296-150B-760	Appliances—Venting, ventilation, and combustion air.
WAC 296-150B-763	Appliances—Clearance—General.
WAC 296-150B-767	Safety devices—Water heater relief valves.
WAC 296-150B-770	Air duct material for circulating air supply system.
WAC 296-150B-773	Sizing of air ducts.
WAC 296-150B-777	Airtightness of air supply duct systems.
WAC 296-150B-780	Air ducts—Expandable or multiple commercial coach connections.
WAC 296-150B-783	Air ducts—Return air systems.
WAC 296-150B-787	Air ducts—Joints and seams.
WAC 296-150B-790	Air ducts—Registers or grills.
WAC 296-150B-793	Air ducts—Duct and plenum insulation.
WAC 296-150B-797	Plumbing—Definitions.
WAC 296-150B-800	Plumbing—General.
WAC 296-150B-803	Plumbing—Location of water-supply connections.
WAC 296-150B-807	Plumbing—Tub and shower enclosures.
WAC 296-150B-810	Drainage—Location of drain outlets.
WAC 296-150B-813	Drainage—Cap or plug.
WAC 296-150B-817	Drainage—Clearance from drain outlet.
WAC 296-150B-820	Drainage—Drainage systems materials.
WAC 296-150B-950	Hearing on grievances.
WAC 296-150B-990	Fees.

### Chapter 296-150C WAC COMMERCIAL COACHES

#### NEW SECTION

#### **WAC 296-150C-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.340 through 43.22.435 covering the construction, alteration and approval of commercial coaches sold, leased, or used in Washington state.

(2) This chapter applies to the approval of commercial coach manufacturers, dealers and to any person who manufactures or alters the plumbing, mechanical, or electrical system or the body or frame of a commercial coach.

#### NEW SECTION

**WAC 296-150C-0020 What definitions apply to this chapter?** "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a listed fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems; and
- Includes Type A and Type B vendor units.

*Type A vendor unit* is a commercial coach vehicle such as, but not limited to, a truck, van, or step van.

*Type B vendor unit* is a commercial coach structure such as, but not limited to, a recreational vehicle as defined by the American National Standards Institute, Inc. The maximum dimensions of a Type B structure are 8 feet wide by 24 feet long.

Note: A commercial coach may not be used as a single-family dwelling. A commercial coach does not have to be placed on a permanent foundation.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Our address is: Department of Labor and Industries, Specialty Compliance, PO BOX 44440, Olympia, WA 98504-44440.

"Design plan" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its commercial coach design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"Insignia" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a commercial coach in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"System" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

"Vendor unit" is a type of commercial coach (referred to as a unit) that:

- Is transported in only one section;
- Is designed for highway use;
- Is temporarily occupied for distribution of items (e.g., food);
- Is built on a permanent chassis;
- Includes at least one of the following systems: Plumbing, mechanical, or electrical;
- Is a converted structure, not a newly manufactured structure; and
- Is a Type A vendor unit or a Type B vendor unit.

Note: Newly manufactured units must comply with the commercial coach construction requirements of this chapter. Unoccupied vendor units are exempt from the requirements of this chapter. For example, those vehicles where food is sold and distributed by standing alongside it.

#### NEW SECTION

##### **WAC 296-150C-0030 How is this chapter enforced?**

(1) To enforce this chapter, we or another governmental inspection agency will inspect each commercial coach manufactured, sold, leased, or used in Washington state as required by this chapter. (See WAC 296-150C-0700 - reciprocal agreements.)

(2) We will inspect all commercial coach alterations.

(3) We will conduct inspections during normal work hours or at other reasonable times.

#### NEW SECTION

**WAC 296-150C-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

**WAC 296-150C-0050 Can you prohibit the sale or lease of my commercial coach?** We may prohibit the sale or lease of your commercial coach because it is unlawful for any person to sell or lease a commercial coach within this state if it violates any of the requirements of this chapter. (See RCW 43.22.345.)

#### NEW SECTION

**WAC 296-150C-0060 Who handles consumer complaints about commercial coaches?** (1) Consumer may file complaints within one year of the date of manufacture.  
 (2) The complaint should be in writing and describe the item(s) that may not comply with this chapter.  
 (3) After we receive the complaint, we will send the manufacturer and the dealer a copy of the complaint.

(4) The manufacturer and/or dealer have thirty days to respond. We shall base our actions on the response.

#### NEW SECTION

**WAC 296-150C-0070 Do you have reciprocal agreements with other states to inspect commercial coaches?** (1) We have entered into reciprocal agreements with states who have inspection standards equal or greater than our standard.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects the commercial coaches manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects commercial coaches manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.

(3) We have reciprocal agreements on file.

#### NEW SECTION

**WAC 296-150C-0080 Do you allow a local enforcement agency to inspect commercial coaches at the manufacturing location?** (1) A local enforcement agency (city or county), under contract with us, can inspect commercial coaches at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia, which indicates that the unit has passed inspection.

#### NEW SECTION

##### **WAC 296-150C-0090 How do I request a variance?**

(1) If you find that it is impractical for you to comply with a specific requirement of these rules, you may request a variance from us.

(2) We give variances on a case-by-case basis.

(3) You may request a variance by completing an application. You can request the variance application by contacting us.

(4) Once you have returned the completed application to us, we will approve or deny your variance request in writing.

#### NEW SECTION

**WAC 296-150C-0100 What happens if I disagree with your decision regarding my compliance with this chapter?** (1) If we determine that you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notification of our decision.

NEW SECTION

**WAC 296-150C-0110 Do you have an advisory board to address commercial coach issues?** The factory assembled structures (FAS) board advises us on issues relating to body and frame design, construction, alterations, plumbing, mechanical, electrical, installation, inspections, and rule adoption for commercial coaches. (See RCW 43.22.420.)

NEW SECTION

**WAC 296-150C-0120 Where can I obtain technical assistance regarding commercial coaches?** We offer field technical service to commercial coach manufacturers for an hourly fee. (See WAC 296-150C-3000.) Field technical service may include evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

**INSIGNIA**NEW SECTION

**WAC 296-150C-0200 Who must obtain commercial coach insignia?** (1) You must obtain an insignia from us for each commercial coach manufactured, sold, leased, or used in Washington state.

Exceptions: You do not need an insignia for a commercial coach:

- (a) When a unit has been used outside of the state for six months before being brought into Washington state (see RCW 43.22.380); or
- (b) If a unit was manufactured prior to July 1, 1968. (See RCW 43.22.370.)

Note: All commercial coaches must have insignia if they are altered, this includes the exceptions in subsection (1)(a) and (b) of this section.

- (2) You must obtain an insignia when commercial coaches are altered in Washington state.
- (3) You must obtain an alteration insignia when a commercial coach is damaged in transit after leaving the manufacturing location or during an on-site installation, and an alteration or repair is necessary. The insignia indicates the commercial coach was altered or repaired.
- (4) You must have an approved design plan and pass our inspection before we will attach an insignia.

NEW SECTION

**WAC 296-150C-0210 What are the insignia requirements?** (1) If you are applying for insignia, you must have your design plan approved and your commercial coach inspected and approved by us.

(2) If you are a manufacturer, dealer or owner applying for an alteration insignia, your alteration must be inspected and approved by us. Our approval of the design plan may also be required.

(3) We will attach the insignia to your commercial coach after:

- (a) We receive the required forms and fees from you (see WAC 296-150C-3000); and
- (b) Your commercial coach has passed final inspection.

NEW SECTION

**WAC 296-150C-0220 How do I obtain insignia information and the required forms?** Upon request, we will provide you with a packet of information that includes the required forms.

NEW SECTION

**WAC 296-150C-0230 What are the insignia application requirements?** (1) If you are requesting insignia for commercial coaches that you intend to manufacture under a *new design plan*, your completed application must include:

- (a) A completed design-plan approval request form;
- (b) One complete set of design plans, specifications, engineering data, and test results. Include one additional set for each manufacturing location where the design plan will be used. Design plans must have an original wet stamp from a professional engineer or architect; and
- (c) A one-time initial filing fee, the design-plan fee (if you want us to approve your design plan), and the fee for each insignia. (See WAC 296-150C-3000.)

(2) If you are requesting insignia under an *approved design plan*, your completed application must include:

- (a) A completed insignia application form; and
- (b) The fee for each commercial coach insignia (see WAC 296-150C-3000).

NEW SECTION

**WAC 296-150C-0240 What documentation do you need to perform an alteration inspection?** (1) If you alter a commercial coach, we must inspect the alteration.

(2) Before we perform an alteration inspection and attach an alteration insignia, you must send us:

- (a) A description of the proposed alteration;
- (b) Applicable specifications, engineering analysis, test procedures and results for design-plan review;
- (c) The plan review fee (if you want us to approve your design plan);
- (d) The inspection fee; and
- (e) The insignia application and fee. (See WAC 296-150C-3000.)

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

NEW SECTION

**WAC 296-150C-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is placed on a commercial coach, you may obtain a replacement insignia.

(2) You should contact us and provide the following information:

- (a) Your name, address, and telephone number;
- (b) The name of the manufacturer or person converting the vendor unit;
- (c) The serial number;
- (d) The manufacturer number (CC#) if available;
- (e) The insignia number if available; and
- (f) The required fee. (See WAC 296-150C-3000.)

(3) If we can determine that your unit previously had an insignia, we will attach an insignia to your unit once we receive your insignia fee. (See WAC 296-150C-3000.)

## DESIGN PLAN

### NEW SECTION

**WAC 296-150C-0300** **When is design-plan approval required?** Design plans for commercial coaches are required for units that are sold, leased, or used in Washington state and must be approved when:

- (1) You build a new unit;
- (2) You modify an approved design plan through addendums; or
- (3) You add options to an approved design plan through addendums.

Note: You should send design plan changes to us thirty days prior to the date you want the changes to take effect.

### NEW SECTION

**WAC 296-150C-0310** **Who can approve design plans?** Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0400 and 296-150C-0420.)

## DESIGN-PLAN APPROVAL BY THE STATE

### NEW SECTION

**WAC 296-150C-0320** **What must I provide with my request for commercial coach design-plan approval by the department?** All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design; (See WAC 296-150C-0340 and 296-150C-0350.)
- (3) An original wet stamp from an approved professional engineer or architect licensed in Washington state;
- (4) Receipt of a one-time initial design plan filing fee and the initial design plan fee (see WAC 296-150C-3000);
- (5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules;
- (6) The occupancy class of the commercial coach according to the occupancy classifications in The Uniform Building Code.

### NEW SECTION

**WAC 296-150C-0330** **What must I provide with my request for a commercial coach vendor unit design-plan approval by the department?** All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans, engineering analysis, or test results and procedures for a complete evaluation of the design plan; (See WAC 296-150C-0340 and 296-150C-0350.)
- (3) An original wet stamp from an approved professional engineer or architect licensed in Washington state, if an

engineering analysis is used to substantiate the structural requirements instead of test results; and

(4) Receipt of the design plan fee. (See WAC 296-150C-3000.)

### NEW SECTION

**WAC 296-150C-0340** **What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington. (See WAC 296-150C-3000.)

### NEW SECTION

**WAC 296-150C-0350** **What must test procedures and results for design plans include?** (1) Tests to a design must be witnessed by a professional engineer or architect licensed in Washington or by a departmental employee.

(2) Test reports must contain the following items:

- (a) A description of the methods or standards that applied to the test;
  - (b) Drawings and a description of the item tested;
  - (c) A description of the test set-up;
  - (d) The procedure used to verify the correct load;
  - (e) The procedure used to measure each condition;
  - (f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and
  - (g) Analysis, comments, and conclusion.
- (3) The written test procedures and conclusions must reference the applicable design plan.

### NEW SECTION

**WAC 296-150C-0380** **What happens if you approve my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter.

(2) We will send you an approved copy of the design plan with the design-plan approval number.

(3) You must keep copies of the approved design plan available for inspection at each location where the commercial coach is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150C-3000.)

### NEW SECTION

**WAC 296-150C-0390** **If my design plan is not approved, how much time do I have to submit a corrected design plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, the initial design plan fee is required instead of the resubmittal fee. (See WAC 296-150C-3000.)

NEW SECTION

**WAC 296-150C-0400 What happens after my design plan is approved?** Once your design plan is approved, we will inspect each commercial coach.

NEW SECTION

**WAC 296-150C-0410 When does my design plan expire?** *Commercial Coach*

(1) Your commercial coach design plan expires when there is a code change. You must submit new design plans for approval when there is a uniform building code cycle change. Otherwise, you may use your design plans to order insignia as long as they comply with the applicable codes.

(2) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The Uniform Building Code is on a three-year code cycle which coincides with the State Building Code Council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

*Commercial Coach Vendor Unit*

(3) Your vendor unit design plan expires after the unit is converted or altered. You can only use this design plan once.

NEW SECTION

**WAC 296-150C-0415 Who approves addendums to design plans approved by the department?** You must have us approve an addendum to a design plan, if we initially approved your design plan.

**DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRM**NEW SECTION

**WAC 296-150C-0420 Who can be authorized to approve design plans?** (1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

NEW SECTION

**WAC 296-150C-0430 What information must a professional or firm provide to be authorized to approve design plans?** (1) Name, a copy of your certificate of registration, and address of the professional engineer or architect; or

(2) Name, a copy of your certificate of authority, and address of the firm; and

(3) A description of the services the professional engineer, architect, or firm will provide; and

(4) A description of the professional's area(s) of expertise and qualifications which include:

(a) A summary of the professional's or firm's experience; and

(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality.

NEW SECTION

**WAC 296-150C-0440 How will I know whether I am authorized to approve design plans?** Within sixty days after you submit the information requested in WAC 296-150C-430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150C-0100.)

NEW SECTION

**WAC 296-150C-0450 How long is a licensed professional or firms authorization effective?** Your authorization to approve design plans is effective until your license expires, is revoked or is suspended.

(1) You must notify us of your license renewal at least fifteen days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

NEW SECTION

**WAC 296-150C-0460 What information must a professional or firm provide with the approved design plan?** All professional or firm approved design plans must include:

(1) A completed departmental design-plan approval request form;

(2) Two or more sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, signed, and dated by the approving professional(s) (see WAC 296-150C-0330 and 296-150C-0340);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan; and

(4) A copy of the authorization letter from us.

Note: A professional who designs the commercial coach cannot also approve the design plan.



NEW SECTION

**WAC 296-150C-0470 What happens after we receive the professional or firm approved design plan and information?** (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We will periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150C-3000.)

NEW SECTION

**WAC 296-150C-0480 Do you have a list of professionals or firms that are authorized to approve design plans?** We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for commercial coaches.

NEW SECTION

**WAC 296-150C-0490 Who approves addendums to design plans approved by a professional or firm?** You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

### INSPECTIONS PRIOR TO ISSUANCE OF AN INSIGNIA

NEW SECTION

**WAC 296-150C-0500 When is an inspection required?** (1) Before we issue an insignia, each unit manufactured or converted must be inspected as many times as required to show compliance with this chapter.

Note: Each commercial coach must have a serial number so we can track inspections.

(2) Before we issue an insignia, each commercial coach must be inspected at the manufacturing location as many times as required. Inspections may include but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the commercial coach is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a commercial coach is damaged in transit to the building site or during on-site installation, it must be

inspected. This is considered an alteration inspection. (See WAC 296-150C-0240.)

(5) Approved design plans, specifications, engineering analysis and test results must be available during the inspection.

(6) Once your unit is inspected and approved we will attach the insignia.

*Commercial Coach Vendor Unit*

(7) Before we issue an insignia, each commercial coach vendor unit is inspected as follows:

(a) Inspection(s) during conversion or alteration of a commercial coach vendor unit; and

(b) A final inspection after the commercial coach vendor unit is complete.

NEW SECTION

**WAC 296-150C-0510 How do I request an inspection?** (1) You must contact us, and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department.

(2) We must receive in-state inspection requests at least seven days prior to the date that you want the inspection.

(3) We must receive out-of-state inspection requests at least fourteen days prior to the date that you want the inspection.

NEW SECTION

**WAC 296-150C-0520 What happens if my commercial coach passes inspection?** If your commercial coach passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

NEW SECTION

**WAC 296-150C-0530 Am I charged if I request an inspection but I am not prepared?** (1) If you ask us to inspect a commercial coach within Washington state but you are not prepared when we arrive, you must pay the inspection fee and travel. (See WAC 296-150C-3000.)

(2) If you ask us to inspect a commercial coach outside Washington state but you are not prepared when we arrive, you must pay the inspection fee, travel, and per diem expenses. (See WAC 296-150C-3000.)

NEW SECTION

**WAC 296-150C-0540 Who inspects commercial coach installation at the building site?** The local enforcement agency (city or county) must approve the permits necessary for installation.

Note: The local enforcement agency may not open the concealed construction of a commercial coach to inspect it if our insignia is attached.

NEW SECTION

**WAC 296-150C-0550 Do you allow a commercial coach to be completed at the installation site?** Commercial coaches must be completed at the manufacturing location before an insignia is attached.

NEW SECTION

**WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach?** (1) If your commercial coach alteration does not pass our inspection, you will receive a notice of noncompliance. The notice of noncompliance explains what items must be corrected.

(2) You have twenty days after receiving the notice of noncompliance to send us a written response to explain how you will correct the violations.

(3) You are not allowed to move, sell, or lease the altered commercial coach until you correct the violations. We must inspect and approve the corrections, and you must pay the inspection and insignia fees, if required (see WAC 296-150C-3000).

(4) If you fail to make the corrections, we may remove the insignia from your commercial coach.

### USED COMMERCIAL COACHES WITHOUT AN INSIGNIA

NEW SECTION

**WAC 296-150C-0580 Must I obtain an insignia for used commercial coaches?** All used commercial coaches that are to be installed on a building site or used in Washington state must have an insignia of approval from us. (See exceptions WAC 296-150C-0200 (1)(a)(b).)

NEW SECTION

**WAC 296-150F-0590 How do I obtain insignia for used commercial coaches?** We consider used commercial coaches as new units for purposes of insignia approval. To obtain insignia, you must:

(1) Have the design plan approved by us (see WAC 296-150C-0300 through 296-150C-0480);

(2) Purchase insignia (see WAC 296-150C-0200 through 296-150C-0230); and

(3) Pass a unit inspection (see WAC 296-150C-0500 through 296-150C-0560).

**Note:** You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

**Reviser's note:** The above new section was filed by the agency as WAC 296-150F-0590. This section is placed among sections forming new chapter 296-150C WAC, and therefore should be numbered WAC 296-150C-0590. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

### MANUFACTURERS NOTICE TO THE DEPARTMENT

NEW SECTION

**WAC 296-150C-0700 Must manufacturers of commercial coaches notify you if they manufacture at more than one location?** Yes. (1) If you are manufacturing commercial coaches at more than one location, approved design plans must be available at each manufacturing location.

(2) You must send us the following information for each manufacturing location:

- (a) Company name;
- (b) Mailing and physical address; and
- (c) Phone and FAX number if available.
- (3) You must update this information as it changes.

NEW SECTION

**WAC 296-150C-0710 Must manufacturers of commercial coaches notify you of a change in business name or address?** Yes. (1) If you are moving you must notify us in writing prior to a change of business name or address.

(2) Your notice must include the change of name and address.

NEW SECTION

**WAC 296-150C-0720 Must manufacturers of commercial coaches notify you of a change in business ownership?** Yes. (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner provides written releases of the design plan.

### COMMERCIAL COACH CONSTRUCTION CODE

#### GENERAL

NEW SECTION

**WAC 296-150C-0800 What manufacturing codes apply to commercial coaches?** (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

(a) The Washington State Ventilation and Indoor Air Quality Code, 1991 third edition as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;

(c) Occupancy classification only from chapter 3 of The Uniform Building Code, 1991 edition as adopted and amended by chapter 51-30 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The Uniform Building Code, 1994 edition as adopted and amended by chapter 51-30 WAC;

(e) Table 16-A Uniform and concentrated floor loads and footnotes of The Uniform Building Code, 1994 edition as adopted and amended by chapter 51-30 WAC;

(f) The Uniform Mechanical Code, 1994 edition as adopted and amended by chapter 51-32 WAC except when conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code, 1993 edition as adopted by chapter 19.28 RCW and chapter 296-46 WAC;

(h) The Washington State Energy Code, 1994 second edition as adopted by chapter 51-11 WAC;

(i) The Uniform Plumbing Code, 1991 edition as adopted and amended by chapters 51-26 and 51-27 WAC.

(j) Where there is a conflict between codes, an earlier named code takes precedent over a late named code. Where, in any specific case, different sections of this code specify

different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

### NEW SECTION

**WAC 296-150C-0810 Construction definitions.** The following definitions and the definitions in each of the state codes adopted in WAC 296-150C-0600 apply to commercial coach construction.

**"Anchoring system"** is the means used to secure a commercial coach to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, or other components.

**"Ceiling height"** is the clear vertical distance from the finished floor to the finished ceiling.

**"Dead load"** is the vertical load resulting from the weight of all permanent structural and nonstructural parts of a commercial coach including walls, floors, roof, partitions, and fixed service equipment.

**"Diagonal tie"** is a tie intended primarily to resist horizontal or shear forces and secondarily may resist vertical, uplift, and overturning forces.

**"Dormitory"** is a room designed to be occupied by more than two persons.

**"Exit"** is a continuous and unobstructed means of egress to a public way.

**"Glazed opening"** is a glazed skylight or an exterior window or glazing of a door of a commercial coach.

**"Gross floor area"** is the net floor area within the enclosing walls of a room where the ceiling is at least five feet high.

**"Habitable room"** is a room or enclosed floor space arranged for living, eating, food preparation, or dormitory sleeping purposes. It does not include bathrooms, toilet compartments, foyers, hallways, or other accessory floor spaces. Any reference to "habitable dwelling" in this chapter means a temporary structure not used as a single family dwelling.

**"Interior finish"** is the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the commercial coach structure, including paint and wallpaper. Decorations or furnishings attached to the commercial coach structure are considered part of the interior finish.

**"Live load"** is the weight superimposed by the use and occupancy of the commercial coach, including wind load and snow load, but not including dead load.

**"Perimeter blocking"** is support placed under exterior walls.

**"Shear wall"** is a wall designed and constructed to transfer lateral loads.

**"Tiedown"** is a device designed to anchor a commercial coach to ground anchors.

**"Use" or "occupancy classification"** is the designed purpose of a commercial coach according to The Uniform Building Code.

**"Wind load"** is the lateral or vertical pressure or uplift created by wind blowing in any direction.

## STRUCTURAL

### NEW SECTION

**WAC 296-150C-0820 Structural analysis.** Each commercial coach must be designed and constructed as a completely integrated structure capable of sustaining the design-load requirements of this chapter. It shall be capable of:

(1) Transmitting these loads to stabilizing devices without causing unsafe deformation or abnormal structural movement; and

(2) Withstanding the adverse effects of transportation shock and vibration, both as an integrated structure and as to its parts.

### NEW SECTION

**WAC 296-150C-0830 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis. This must secure and maintain continuity between the floor and chassis and resist wind uplift, overturning, and sliding as imposed by design loads.

### NEW SECTION

**WAC 296-150C-0840 Live loads.** (1) The design live loads must be established according to this chapter and must be considered to be uniformly distributed.

(2) The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind. The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

### NEW SECTION

**WAC 296-150C-0850 Roof loads.** All roofs must be designed to sustain loads as follows:

(1) Dead loads plus a minimum unit live load of 30 lb/ft<sup>2</sup> (2 months load duration); and

(2) A vertical net uplift load of 9 lb/ft<sup>2</sup> (1 day load duration).

NEW SECTION

**WAC 296-150C-0860 Snow loads.** The roof of a commercial coach must be designed for the loads to which it will be subjected in areas where snow records or experience indicate snow loads in excess of 30 lb/ft<sup>2</sup>.

NEW SECTION

**WAC 296-150C-0870 Standard wind loads.** The commercial coach and each wind resisting part must be designed for the following wind loads:

Horizontal	15 lb/ft <sup>2</sup>	(1 day load duration)
Vertical upward	9 lb/ft <sup>2</sup>	(1 day load duration)
Vertical downward	(see WAC 296-150C-0850 Roof loads)	

A commercial coach must be designed for higher wind loads if area records or experience indicate that it will be subjected to wind loads in excess of the above loads.

NEW SECTION

**WAC 296-150C-0880 Windstorm protection—Provisions for support and anchoring.** (1) Each commercial coach must have provisions for support and anchoring systems that, when properly designed and installed, will resist overturning and lateral movement of the commercial coach as imposed by the respective design loads. Support and anchoring systems must be designed by a professional engineer.

(2) The manufacturer of each commercial coach is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices.

(3) The manufacturer must provide printed instructions with each commercial coach specifying the location and required capacity of stabilizing devices on which the design is based.

**Single-Wide Commercial Coaches:**

(4) The provisions made for anchoring systems must be based on the following design criteria for single-wide commercial coaches:

(a) The minimum number of ties required per side is noted in WAC 296-150C-1210.

(b) Ties must be as evenly spaced as practicable along the length of the commercial coach. No more than eight feet open-end spacing must occur on each end.

(c) If continuous straps are provided as vertical ties, they must be positioned at rafters and studs. If a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, as long as, the anchor used is capable of carrying both loads.

(d) Add-on sections of expandable commercial coaches must have provisions for vertical ties at the exposed ends.

**Double-Wide Commercial Coaches:**

(5) Double-wide commercial coaches require only diagonal ties specified in the table in WAC 296-150C-1210. The ties must be placed along the outer side walls.

(6) Protection must be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection must also be provided to minimize damage to roofing or siding by the cable or strap.

(7) Anchoring equipment must be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and must be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the commercial coach.

(8) Exposed anchoring equipment must have a resistance to weather deterioration at least equal to that provided by a coating of zinc on steel of at least 0.30 ounces per square foot of surface coated.

(a) Slit or cut edges of zinc-coated steel strapping do not need to be zinc-coated.

(b) Type 1, Class B, Grade 1 steel strapping, 1 1/4 inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-G, meets the requirements of this paragraph.

NEW SECTION

**WAC 296-150C-0900 Interior walls and partitions.** Interior walls and partitions must be:

(1) Constructed with structural capacity adequate for the intended purpose; and

(2) Capable of resisting a horizontal load of at least five pounds per square foot without exceeding the deflections specified in WAC 296-150C-0920.

NEW SECTION

**WAC 296-150C-0910 Minimum uniform and concentrated live loads.** See use or occupancy of the 1994 edition of The Uniform Building Code for group occupancy loads.

NEW SECTION

**WAC 296-150C-0920 Design load deflection.** When a structural assembly is subjected to total design live loads, the deflection for structural framing members must not exceed the following:

*L = The clear span between supports or two times the length of a cantilever.*

Floor	L/240
Roof and ceiling	L/180
Headers, beams, girders	L/180
Walls and partitions	L/180

NEW SECTION

**WAC 296-150C-0930 Structural load tests.** (1) A structural assembly or subassembly tested for qualification must sustain the design dead load plus the superimposed design live loads (see WAC 296-150C-0840) equal to 1.75 times the required live loads for a period of twelve hours without failure of the assembly or subassembly, unless otherwise specified in this chapter.

(2) An assembly or subassembly failure is defined as a rupture, fracture, or residual deflection which is greater than the limits set in WAC 296-150C-0920. The type and quality of material used in each test assembly or subassembly must be identified. The assembly or subassembly tested must represent the minimum quality of material.

PROPOSED

(3)(a) Nationally recognized standards or engineering practices must be used for structural load tests for commercial coaches.

(b) Tests must be witnessed by a professional engineer, architect, or by a department employee.

Note: We will provide test procedure forms upon request.

## CONSTRUCTION

### NEW SECTION

**WAC 296-150C-0940 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis and to resist wind uplift, overturning, and sliding as imposed by design loads.

### NEW SECTION

**WAC 296-150C-0950 Roof coverings/membrane/weather resistant.** (1)(a) The roof covering must be securely fastened in an approved manner to the supporting roof construction and must provide weather protection for the commercial coach and the occupants. The roof covering must be installed according to the manufacturer's instructions and approved by us.

(b) Roofing membranes must be rigid enough to prevent deflection that would permit ponding of water or separation of seams due to snow or wind or during assembly or transportation.

(2) Exterior covering materials, including metal coverings, must be moisture and weather-resistant and contain corrosion resistant fasteners to prevent wind and rain deterioration.

Note: Electro-plated, electro-deposited zinc, and electro-galvanized staples are not considered corrosion resistant materials.

(3) All exterior openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture resistant material.

### NEW SECTION

**WAC 296-150C-0960 Roof trusses.** (1) The construction of roof trusses must be approved by a professional engineer. Roof trusses may be produced by one of the following methods:

(a) Use of stress graded materials;

(b) Use of an approved testing agency who certifies truss construction and load requirements are met; or

Note: The testing agency should prepare an approved quality control program which allows them to test the rafters with appropriate testing procedures.

(c) Use of nongraded materials, if each truss is tested in an approved testing jig at the manufacturer's site with a load equivalent to full design load (1.75 times the full design load sustained for twelve hours).

(2)(a) Representative trusses must be tested from the production line, when we request. The approved testing agency or engineer must submit the testing report to us.

(b) All test reports are to be stamped, signed, and dated by the approved testing agency or engineer who performs the test.

(c) These tests must not occur more than two times a year per design unless there are problems with the roof trusses.

(d) The manufacturer is required to maintain an acceptable quality level not exceeding 1% using acceptable sampling procedures.

Note: The acceptable quality level is defined as the maximum allowable percentage of defective units.

### NEW SECTION

**WAC 296-150C-0970 Roof construction.** (1) All roofs must be framed and tied into the framework and supporting walls to form an integral part of the commercial coach.

(2) All trusses must be laterally braced.

(3) All roof decks must be designed and built with sufficient slope or camber to assure adequate drainage, or must be designed to support maximum loads including possible ponding of water due to deflection.

(4) Cutting roof framework members for passage of electrical, plumbing, or mechanical systems is prohibited except where substantiated by engineering analysis.

(5) Electrical, plumbing, or mechanical systems must not penetrate the roofing membrane unless the penetration point is adequately sealed.

### NEW SECTION

**WAC 296-150C-0980 Wall coverings.** (1) The interior finish of all walls and partitions must have a flame-spread rating not exceeding two hundred except as otherwise specified in this section. The flame-spread limitation does not apply to:

(a) Molding, trim, windows, doors, or series of doors four feet wide or less;

(b) Permanently attached decorative items such as pictures or accent panels constituting not more than ten percent of the aggregate wall surface in any room or space or more than thirty-two square feet in surface area, whichever is less.

(2) Furnace and water heater spaces must be enclosed by walls, ceiling, and doors having an interior finish with a flame-spread rating not exceeding twenty-five.

(3) Combustible kitchen cabinet doors, countertops, exposed bottom and end panels must not exceed a flame-spread rating of twenty-five. Cabinet rails, stiles, mullions, and toe strips are exempted.

(4) Finish surfaces of plastic bath tubs, shower units and tub or shower doors must not exceed a flame-spread rating of two hundred.

### NEW SECTION

**WAC 296-150C-0990 Sealing wall exterior openings.** All exterior wall openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture-resistant material.

NEW SECTION

**WAC 296-150C-1000 Drilling or notching of wood wall structural members.** Except where substantiated by engineering designs, studs must not be notched or drilled.

NEW SECTION

**WAC 296-150C-1010 Interior walls and partitions.** Interior walls and partitions must be:

- (1) Constructed with structural capacity adequate for the intended purpose; and
- (2) Capable of resisting a horizontal load of at least five pounds per square foot without exceeding the deflections specified in WAC 296-150C-0920.

NEW SECTION

**WAC 296-150C-1020 Wall construction.** Walls must be of sufficient strength to withstand the load requirements of this chapter. The connections between the bearing walls, floor, and roof framework members must be fabricated to provide support for the material used to enclose the commercial coach and to provide for the transfer of all lateral and vertical loads to the floor and the chassis.

NEW SECTION

**WAC 296-150C-1030 Fire-blocking.** (1) Fire-blocking must be provided in commercial coaches to cut off all concealed draft openings in all stud walls and partitions, including furred spaces at the ceiling and floor levels and at ten foot intervals both vertical and horizontal.

(2) In openings around vents, pipes, ducts, chimneys, fireplaces, and similar openings which afford a passage for fire at ceiling and floor levels, with noncombustible material.

(3) Fire blocking must be two inch nominal lumber, gypsum board, cement asbestos board, mineral fiber or other approved materials securely fastened in place.

NEW SECTION

**WAC 296-150C-1040 Floors.** (1) Wood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture must be moisture resistant or must be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive.

(2) Carpeting must not be used under a heat producing appliance unless the appliance is listed for such use.

NEW SECTION

**WAC 296-150C-1050 Drilling or notching of wood joist structural members.** (1) Notches on the ends of joists must not exceed one-fourth the joist depth, unless substantiated by engineering design or approved tests.

(2) Holes bored in joists must not be within two inches of the top or bottom of the joist, and the diameter of any such hole must not exceed one-third of the depth of the joist.

(3) Notches in the top or bottom of the joists must not exceed one-sixth the depth and must not be located in the middle third of the span.

(4) Joists in transverse floor framing systems, which do not have perimeter blocking, must not be drilled or notched, unless substantiated by engineering design or approved tests.

NEW SECTION

**WAC 296-150C-1060 Fastening of structural systems.** Roof framing must be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between these elements to resist wind uplift, overturning and sliding imposed by the design loads.

NEW SECTION

**WAC 296-150C-1070 Floor closure material.** Floor closure material around piping, ducts, plenums, or vents must prevent damage to the underside of the commercial coach due to air, water, insects, dust, and must be rodent resistant.

The closure material must be listed and installed as follows:

(1) Fibrous material (with or without patches) must meet or exceed the level of 48 inch-pounds of puncture resistance as tested.

(2) The material must be installed according to installation instructions furnished by the supplier of the material.

(3) The material must be suitable for patches and the patch life must be equivalent to the material life. Patch installation instructions must be included in the commercial coach manufacturer's instructions.

NEW SECTION

**WAC 296-150C-1080 Chassis.** (1) Each commercial coach chassis must be designed and constructed to be capable of:

(a) Withstanding the adverse effects of transportation shock and vibration; and

(b) Transmitting the design loads and the dead loads of the commercial coach to stabilizing devices without causing deformation of its parts.

(2) A chassis consists of:

(a) The "A" frame assembly with a coupling mechanism;

(b) Running gear assembly which consists of the springs and spring hangers, axles, bearings, wheels, brakes, rims, and tires with their related hardware.

(3) Each chassis must be designed to adequately sustain the design loads consisting of the dead load plus a minimum of three pounds per square foot floor load and the superimposed dynamic load resulting from over-the-road movement.

(4) Each commercial coach must have an adequate number of axles so that the maximum load carried by each axle does not exceed that specified by the axle manufacturer.

(5) The tires, wheels, and rims of each commercial coach must be capable of carrying all of the design loads in subsection (3) of this section.

**MATERIALS****NEW SECTION**

**WAC 296-150C-1090 Standards for equipment and installations.** The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- Listed or labeled;
- Installed according to the manufacturer's installation instructions; and
- Approved by the listing or testing agency.

**NEW SECTION**

**WAC 296-150C-1100 Flame-spread limitations.** (1) The interior finish of all walls and partitions must have a flame-spread rating not exceeding two hundred except as otherwise specified in this section. The flame-spread limitation must not apply to:

- (a) Molding, trim, windows, doors, or series of doors four feet wide or less;
- (b) Permanently attached decorative items such as pictures or accent panels constituting a maximum of ten percent of the aggregate wall surface in any room or space or more than thirty-two square feet in surface area, whichever is less.

(2) All ceiling interior finish must have a maximum flame-spread rating of two hundred, excluding molding and trim two inches wide or less.

(3) Furnace and water heater spaces must be enclosed by walls, ceiling, and doors having an interior finish with a maximum flame-spread of twenty-five.

(4) Combustible kitchen cabinet doors, countertops, exposed bottom and end panels must have a maximum flame-spread of twenty-five. Cabinet rails, stiles, mullions, and toe strips are exempted.

(5) Exposed interior finishes adjacent to the cooking range must have a flame-spread of fifty. Adjacent surfaces are the exposed vertical surfaces between the range top and the overhead cabinets or ceiling and within six horizontal inches of the cooking range.

(6) Finish surfaces of plastic bath tubs, shower units and tub or shower doors must have a flame-spread of two hundred.

**NEW SECTION**

**WAC 296-150C-1110 Combustible limitations.** (1) The exposed wall adjacent to the cooking range, must be fifty flame-spread or less, such as 5/16 inch gypsum board or material having equivalent fire protective properties.

(2) All openings for pipes and vents in furnace and water heater spaces shall be tight-fitted or fire-stopped.

**NEW SECTION**

**WAC 296-150C-1120 Kitchen cabinet protection.** The bottom and sides of combustible kitchen cabinets over cooking ranges or tops including a space of six inches from the edge of the burners must be protected with at least 1/4 inch thick asbestos millboard covered with at least twenty-six gauge sheet metal (.017 stainless steel, .024 aluminum or .020 copper) or equivalent protection. The protective metal

over the range must form a hood with at least a three-inch eyebrow (measuring horizontally from face of cabinet). The hood must be centered over and at least as wide as the top of the cooking range.

**NEW SECTION**

**WAC 296-150C-1130 Insulation standards.** Insulation standards for commercial coaches must comply with the Washington State Energy Code, unless another state law supersedes the Washington State Energy Code.

**NEW SECTION**

**WAC 296-150C-1140 Room sizes.** (1) Every habitable room must have a minimum ceiling height of not less than seven feet.

(2) No habitable room, except a kitchen, must be less than five feet in any clear horizontal dimension.

**NEW SECTION**

**WAC 296-150C-1150 Hallways.** Hallways must have a minimum horizontal dimension that conforms to accessibility standards set by the Washington state Uniform Building Code.

**NEW SECTION**

**WAC 296-150C-1160 Accessibility standards.** When applicable, a commercial coach must meet the accessibility standards set by the Washington State Building Code in RCW 19.27.030(5).

**NEW SECTION**

**WAC 296-150C-1170 Light and ventilation.** (1) Habitable rooms must be provided with exterior windows or doors having a total glazed area of at least ten percent of the floor area, or they have artificial light.

(2) An area equal to a minimum of five percent of the floor area must be available for unobstructed ventilation. Glazed areas do not need to be opened if a mechanical ventilation system is provided. The mechanical ventilation system must be capable of producing a change of air in the room every thirty minutes with at least one-fifth of the air supply taken from outside the commercial coach.

(3) Each bathroom must be provided with artificial light and with external windows or doors having at least 1/2 square feet of glazed area fully able to open, except where a mechanical ventilation system capable of producing a change of air every twelve minutes is provided. Any mechanical ventilation system must exhaust directly to the outside of the commercial coach.

**NEW SECTION**

**WAC 296-150C-1180 Commercial coach exits.** When applicable, a commercial coach must comply with Uniform Building Code, Chapter 11 Accessibility and with the following requirements:

(1) Commercial coaches must have at least two exterior doors located away from each other and arranged to provide

a means of unobstructed travel to the outside of the commercial coach.

Exception: A commercial coach that is twenty-four feet long or less needs only one exit door, unless it has a dormitory sleeping area.

(2) Exterior doors shall be constructed for exterior use. All exterior doors must provide at least a thirty-five inch wide by seventy-nine inch high clear opening (36" x 80" door). Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever or other device from the interior of the commercial coach. Locks must not require the use of a key for operation from the inside.

(3) Every room designed expressly for dormitory sleeping purposes, unless it has an exterior exit door, must have at least one outside window which can be opened from the inside without the use of tools. This window must provide a clear opening of at least twenty-two inches in its smallest dimension and five square feet in area with the bottom of the opening not more than three feet above the floor. A screen or storm window must be readily removable without using tools.

**NEW SECTION**

**WAC 296-150C-1190 Interior privacy.** If a commercial coach interior door, such as a bathroom door, has a privacy lock, the lock must contain an emergency release on the outside to permit entry when the locking device on the inside is in a locked position.

**NEW SECTION**

**WAC 296-150C-1195 Fire warning equipment—Automatic smoke detectors.** (1) At least one listed smoke detector (which may be a single station smoke detector) must be installed in each commercial coach to protect each separate bedroom. Smoke detectors must meet the requirements of the Standard for Single and Multiple Station Smoke Detectors of the Underwriters Laboratories Inc. (UL 217). All dormitories must have at least one smoke detector installed.

(2) A smoke detector must be installed in the hallway or space communicating with the bedroom, and must be mounted, where possible, between the commercial area and the first bedroom door on an interior wall. Where mounting cannot be achieved due to limited interior wall space, the smoke detector must be located as close as practical to the first bedroom door on an interior wall. Commercial coaches having bedrooms separated by one or a combination of common use areas (such as a kitchen, dining area, or a commercial area, but, not a bathroom) must have at least two smoke detectors, one smoke detector protecting each bedroom.

(3) Smoke detectors must be installed per their listing. The smoke detector mounting must be attached to an electrical outlet box and the detector must be permanently wired into a general purpose electrical circuit. There must

be no switches in the circuits to the detectors other than the circuit breaker serving the circuits.

(4) The commercial coach manufacturer must provide a copy of the testing and maintenance instructions supplied by the manufacturer of the smoke detector for the information of the consumer and users of the commercial coach.

**NEW SECTION**

**WAC 296-150C-1200 Installation instructions.** The manufacturer must provide printed instructions with each commercial coach specifying the following:

- (1) The location and required capacity of stabilizing devices, such as tie downs, piers, and blocking;
- (2) Devices and methods used to connect all components and systems including, chassis and utilities; and
- (3) Leveling, including releveling.

**NEW SECTION**

**WAC 296-150C-1210 Table: Number of ties required per side of commercial coach.**

NUMBER OF TIES REQUIRED PER SIDE OF COMMERCIAL COACH

Note: This table is based on a minimum working load per anchor of three thousand one hundred fifty pounds with a fifty percent overload (four thousand seven hundred twenty-five pounds total).

Length of Commercial Coach (Feet)	No. of Vertical Ties	No. of Diagonal Ties
00-40	2	3
41-46	2	3
47-49	2	3
50-54	2	3
55-58	2	4
59-64	2	4
65-70	2	4

(1) Double-width commercial coaches require only the diagonal ties specified, and these must be placed along the outer side walls.

(2) Length of commercial coach (as used in this table) means length excluding draw bar.

(3) Diagonal ties in this method must deviate at least forty degrees from a vertical direction.

(4) The number of ties required can be designed by a professional engineer.

**ELECTRICAL**

**NEW SECTION**

**WAC 296-150C-1220 Electrical—General.** This chapter applies to the installation of electrical equipment in any commercial coach bearing or required to bear a department insignia.

PROPOSED



NEW SECTION

**WAC 296-150C-1230 Electrical definitions.** Definitions contained in the current adopted edition National Electrical Code (NEC), and the following definitions must apply to the commercial coach electrical standards in this chapter.

"**Converter**" is a device that changes electrical energy from one form to another, as from alternating current to direct current.

"**Feeder assembly**" or "**subpanel**" is the overhead or under-chassis feeder conductor, including the grounding conductor, fittings, and equipment, or power-supply cord approved for commercial coach.

The feeder assembly or subpanel is used in commercial coaches and designed to deliver energy from the source of electrical supply to the distribution panelboard within the commercial coach.

"**Low voltage**" is an electromotive force rated at thirty-two volts or less, supplied from a transformer, converter, or battery.

NEW SECTION

**WAC 296-150C-1240 Branch circuit and feeder calculations.** Branch circuit and feeder calculations must be determined according to the National Electrical Code.

NEW SECTION

**WAC 296-150C-1250 Disconnecting means and branch circuit protective equipment.** (1) The branch circuit equipment may be combined with the disconnecting means as a single assembly. Such a combination may be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size for the mains must be plainly marked with lettering at least 1/4 inch high and visible when fuses are changed.

Note: See the National Electrical Code concerning identification of each disconnecting means and each feeder or branch circuit at the point where it originated and type of marking needed.

(2) Plug fuses and fuseholders must be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards.

(3) A single disconnecting means must be provided in each commercial coach. It must consist of a circuit breaker or a switch, fuses, and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the commercial coach. The main circuit breakers or fuses must be plainly marked "main." This equipment must contain a solderless type of grounding connector or bar for the purposes of grounding, with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors must be insulated.

(4) The disconnecting equipment must have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, must be located a minimum of twenty-four inches from the bottom of such equipment to the floor level of the commercial coach. There must be an accessible space of at least thirty inches wide by thirty-six inches deep by seventy-eight inches high in front of the electrical disconnect equipment. The main circuit

breakers or switches must be plainly marked "main." There must be a label attached to the panelboard stating:

"This panelboard must be connected by a feeder assembly having overcurrent protection rated at not more than \_\_\_\_\_ amperes." (The correct ampere rating must be marked in the blank space.)

(5) Branch circuit distribution equipment must be installed in each commercial coach and must include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(6) The branch circuit overcurrent devices must be rated:

(a) Not more than the circuit conductors; and

(b) Not more than one hundred fifty percent of the rating of a single appliance rated ten amperes or more; but

(c) Not more than the overcurrent protection rating marked on the motor-operated appliance. A device not approved for branch circuit protection, such as a thermal cutout or motor overload protective device, must not be considered as the overcurrent device protecting the circuit.

(7) A 20-ampere fuse or circuit breaker must be considered adequate protection for fixture leads, cords for portable appliances and No. 14 AWG (American Wire Gauge) tap conductors, not over six feet long, for recessed lighting fixtures.

(8) If more than one outlet or load is on a branch circuit, a 15-ampere receptacle must be considered protected by a 20-ampere fuse or circuit breaker.

(9) When circuit breakers are provided for branch circuit protection, 240-volt circuits must be protected by two-pole common or companion trip circuit breakers.

NEW SECTION

**WAC 296-150C-1260 Power supply—Feeder assembly equipment.** A commercial coach must be provided with feeder assembly equipment, installed by the manufacturer according to National Electrical Code and the provisions of this chapter. The assembly must consist of either:

(1) One overhead assembly containing the required number of insulated color-coded feeder conductors, one of which must be a grounding conductor; or

(2) One under-vehicle assembly consisting of conduit running from the commercial coach branch circuit panelboard to the underside of the commercial coach. Conduit must be sized in accordance with the National Electrical Code; or

(3) Other installations approved by the department.

NEW SECTION

**WAC 296-150C-1270 Identification of feeder assembly connection.** (1) Each commercial coach equipped with a 120-volt electrical system must have a label, permanently attached on the outside wall adjacent to the point of entrance of the feeder assembly, that reads:

"THIS CONNECTION IS FOR 110-125 VOLT AC SERVICE. DO NOT CONNECT HIGHER VOLTAGE."

(2) Each commercial coach equipped with a 120/240-volt AC electrical system must have a label, permanently attached on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, that reads:

"THIS CONNECTION IS FOR 120/240 VOLT AC \_\_\_\_\_ AMPERE SERVICE." (The correct service rating shall be stamped in the blank space.)

(3) Each commercial coach equipped with a 480/277-volt electrical system must have a label, permanently attached on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, that reads:

"THIS CONNECTION IS FOR 480/277 VOLT AC \_\_\_\_\_ AMPERE SERVICE." (The correct service rating shall be stamped in the blank space.)

#### NEW SECTION

**WAC 296-150C-1280 Wiring methods—Wiring of expandable or multiple units.** (1) Where circuits in expandable or multiple units are designed to be energized from one main panelboard, permanent-type wiring methods and materials must be used for connecting the units to each other.

(2) Commercial coaches may have individual branch circuit panelboards installed in each unit subject to the requirements of this chapter.

#### NEW SECTION

**WAC 296-150C-1290 Under-chassis wiring.** Outdoor or under-chassis wiring (120/240 volts) exposed to moisture and mechanical damage must be protected by rigid metal conduit, electrical metallic tubing, liquid-tight flexible metal conduit, or nonmetallic conduit. The conductors shall be type RW, TW, or equivalent.

#### NEW SECTION

**WAC 296-150C-1300 Equipment mounting.** Electrical equipment must be securely mounted to prevent displacement during transit. Meter bases must not be mounted on commercial coaches.

#### NEW SECTION

**WAC 296-150C-1310 Grounding—General.** Grounding of both electrical and nonelectrical metal parts in a commercial coach must be through connection to a grounding bus in the commercial coach distribution panel. The grounding bus must be grounded through the green conductor in the supply cord. It may also be grounded through the feeder wiring to the service ground in the service-entrance equipment located adjacent to the commercial coach location. Do not connect either the frame of the commercial coach or the frame of any appliance to the neutral conductor in the commercial coach.

(1) The insulated neutral requirements are as follows:

(a) The grounded (neutral) circuit conductor must be insulated from the grounding conductors, from equipment enclosures, and from other grounded parts.

(b) The grounded (neutral) circuit terminals in the distribution panels and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens must be insulated from the equipment enclosure.

(c) Bonding screws, straps, or buses in the distribution panel or in appliances *must be removed and discarded.*

(d) Connections of ranges and clothes dryers with 120/240 volt, 3-wire ratings must be made with 4-conductor cord and 3-pole, 4-wire grounding-type plugs or by type AC metalclad cable or individual conductors enclosed in flexible metal conduit.

(e) Type NM or type SE cable must not be used to connect a range or a dryer. This does not prohibit the use of type NM or type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

(f) For 120-volt rated devices, a 3-conductor cord and 2-pole, 3-wire grounding-type plug is permitted.

(2) The following equipment grounding means must be used:

(a) The green grounding wire in the supply cord or permanent feeder wiring must be connected to the grounding bus in the distribution panel or disconnecting means.

(b) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., must be effectively bonded to the grounding terminal or enclosure of the distribution panel.

(c) Cord-connected appliances must be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(3) The following bonding requirements of noncurrent-carrying metal parts must apply:

(a) All exposed noncurrent-carrying metal parts that may become energized must be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor must be connected between each distribution panelboard and an accessible terminal on the chassis.

(b) Grounding terminals must be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used.

(c) The bonding conductor must be solid or stranded, insulated or bare and must be No. 8 copper minimum or equal. It must be routed so as not to be exposed to physical damage.

(d) Metallic gas, water, and waste pipes and metallic air circulating ducts must be considered bonded if they are connected to the terminal on the chassis by clamps, solderless connectors or by suitable grounding-type straps.

(e) Any metallic roof and exterior covering must be considered bonded if:

(i) The metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners;

(ii) The lower panel of the metallic exterior covering is secured at a cross member of the chassis by two metal fastener straps per commercial coach unit or section at opposite ends; and

(iii) The bonding strap must be a minimum of 30 gauge galvanized metal and must be a minimum of four inches wide.

#### NEW SECTION

**WAC 296-150C-1320 Dielectric strength test.** (1)(a) The wiring of each commercial coach must be subjected to a one-minute, 900-volt, dielectric strength test between live parts (including neutral) and the commercial coach ground.

All switches must be closed during the test. (Closed switches means that they are actually in the on position.)

(b) The test may also be performed at 1,080 volts for one second. This test must be performed after branch circuits are complete and after fixtures or appliances are installed.

Exception: Listed fixtures and appliances that are attached are not required to withstand the dielectric strength test.

(2) Each commercial coach designed with a 480-volt electrical system must be subjected to a one-minute 1,275-volt dielectric strength test between current-carrying conductors and the coach ground. The test may also be performed at 1,500 volts for one second.

(3) Low-voltage circuit conductors in each commercial coach must withstand the applied potential without electrical breakdown of a one-minute, 500-volt, or a one-second, 600-volt, dielectric strength test. The potential must be applied between live and grounded conductors.

## Mechanical

### NEW SECTION

**WAC 296-150C-1330 Mechanical—General.** This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any commercial coach bearing or required to bear a department insignia. Mechanical, ventilation, and indoor air quality equipment and installations in or on a commercial coach shall be installed according to the requirements of the Uniform Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

### NEW SECTION

**WAC 296-150C-1340 Mechanical definitions.** Definitions contained in the current adopted edition of the Uniform Mechanical Code, and the following definitions must apply to the commercial coaches.

"**Accessible**" is having access to a fixture, connection, appliance, or equipment that requires the removal of an access panel, door, or similar obstruction.

"**Appliance compartment**" is a room having a floor area not in excess of twice the largest plan area of the room's appliance or appliances plus clearances required in this chapter.

"**Automatic pilot device**" is a device employed with gas-burning equipment that will either automatically shut off the gas supply to the burner being served or automatically activate, electrically or otherwise, a gas shut-off device when the pilot flame is extinguished.

"**Btuh**" is British thermal units per hour.

"**Clearance**" is the distance between the appliance, chimney, vent, or chimney or vent connector, or plenum and the nearest surface.

"**Combustible material**" is a material adjacent to or in contact with a heat-producing appliance, vent connector, chimney, or steam and hot water pipes, made of or surfaced with wood, compressed paper, plant fibers, or other products that will ignite and burn. Such material must be considered

combustible even though flame-proofed, fire-retardant treated, or plastered.

"**Connector-gas appliance**" is a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliances, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room.

"**Fuel gas piping system**" is the arrangement of piping, tubing, fittings, connectors, valves, and devices designed and intended to supply or control the flow of fuel gas to an appliance.

"**Gas**" is fuel gas, such as natural gas, manufactured gas, undiluted liquefied petroleum gas (vapor phase only), liquefied petroleum air-gas mixtures, or mixtures of these gases that would ignite in the presence of oxygen.

"**Gas-supply connection**" is the terminal end or connection to which a gas-supply connector is attached.

"**Gas vent**" is factory-built vent pipe and vent fittings listed by an approved testing agency that are assembled and used according to the terms of their listings for conveying flue gases to the outside atmosphere.

"**Input rating**" is the maximum fuel-burning capacity of any warm-air furnace, recessed heater, or burner expressed in British thermal units per hour.

"**Liquefied petroleum gases (LPG)**" is any material that is composed predominantly of propane, propylene, butanes (normal butane or isobutane), and butylenes, or any mixture of them.

"**Quick-disconnect device**" is a hand-operated means of connecting and disconnecting a gas supply or connecting gas systems and is equipped with an automatic device to shut off the gas supply when disconnected.

"**Readily accessible**" is having direct access without the necessity of removing any panel, door, or similar obstruction.

### NEW SECTION

**WAC 296-150C-1350 LPG system enclosure and mounting.** (1) LPG containers must not be installed, nor stored temporarily, inside any commercial coach.

Exception: This prohibition does not apply to listed, completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of two and one-half pounds (approximately one pound LPG capacity).

(2)(a) Containers, control valves and regulating equipment, when installed, must be mounted on the "A" frame of the commercial coach or installed in a compartment that is *vapor-tight* to the inside of the commercial coach and accessible only from the outside.

(b) The compartment must be ventilated at top and bottom to diffuse vapors. The compartment must be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and must open without restriction to the outside. The required vents must be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent must be located in the access door or wall with the

bottom of the vent not more than twelve inches below the ceiling level of the compartment. All vents must have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments must not be equipped with locks or require special tools or knowledge to open.

(3) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for container replacement must incorporate means for clamping them firmly in place and preventing them from working loose during transit. Provisions must be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(4) LPG containers must be mounted on a substantial support or a base secured firmly to the commercial coach chassis. Neither the container nor its support can extend below the commercial coach frame.

#### NEW SECTION

**WAC 296-150C-1360 Gas piping—Piping design.** Commercial coaches requiring fuel gas for any purpose must be equipped with a gas piping system that is designed for LPG only or combination LPG and natural gas.

#### NEW SECTION

**WAC 296-150C-1370 Gas piping—Expandable or multiple commercial coaches.** Where gas piping is to be installed in more than one portion of an expandable or multiple commercial coach, the design and construction must be as follows:

(1) There must be only one point of cross over, readily accessible from the exterior of the commercial coach.

(2) The connector between units must be a listed flexible gas connector approved for exterior use.

(3) A shut-off valve must be located on the supply side of the connection. Both a listed flexible gas connector that is approved for exterior use and a quick disconnect type of connector must have a shut-off valve installed.

(4) Protective caps or plugs must be permanently attached to the coach and used to seal the system when not in use.

#### NEW SECTION

**WAC 296-150C-1380 Concealed tubing.** (1) Tubing must not be run inside walls, floors, partitions, or roofs.

(2) If tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing must be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

#### NEW SECTION

**WAC 296-150C-1390 Gas piping—Pipe-joint compound.** (1) Screw joints must be made tight with listed pipe-joint compound that is insoluble in liquefied petroleum gas.

(2) Pipe-joint compound must be approved for the type of gas used. The pipe-joint compound must be applied to the male threads only.

#### NEW SECTION

**WAC 296-150C-1400 Gas piping—Hangers and supports.** (1) All gas piping must be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than four feet, except where adequate support and protection is provided by structural members.

(2) Gas pipe supply connections must be rigidly anchored to a structural member within six inches of the supply connections.

#### NEW SECTION

**WAC 296-150C-1410 Gas piping—Electrical ground.**

(1) Gas piping must not be used for an electrical ground.

(2) The gas line must be bonded.

#### NEW SECTION

**WAC 296-150C-1420 Identification of gas supply connections.** A label must be permanently attached on the outside of the exterior wall of the commercial coach adjacent to the gas supply connection which provides the following information:

(1) The type of system (i.e., liquid petroleum system or natural gas system or combination liquid petroleum and natural gas system);

(2) The appropriate Btuh input rating; and

(3) If excess ("or more") Btuh input is allowed.

*For example: Natural Gas System  
250,000 Btuh  
Or More*

#### NEW SECTION

**WAC 296-150C-1430 Gas piping system openings.** All openings in the gas piping system must be closed gas-tight with threaded pipe plugs or pipe caps.

#### NEW SECTION

**WAC 296-150C-1440 Gas piping—Valves.** (1) In addition to any valve on the appliance, a shut-off valve must be installed in the fuel piping outside of each gas appliance but inside the commercial coach structure and upstream of the union or connector. The shut-off valve must be located within six feet of a cooking appliance and within three feet of any other appliance. A shut-off valve may serve more than one appliance if located as required above.

(2) Shut-off valves used in connection with gas piping must be of a type designed and listed for use with liquefied petroleum gas.

#### NEW SECTION

**WAC 296-150C-1450 Gas piping—Testing for leakage before appliances are connected.** (1) The piping system must stand a pressure of at least six inches mercury or three psi gauge for a period of not less than ten minutes without showing any drop in pressure.

(2) Pressure must be measured with a mercury manometer or slope gauge calibrated to be read in increments of not greater than one-tenth pound, or an equivalent device.

(3) The source of pressure must be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping must be approximately the same, and constant air temperature must be maintained throughout the test.

#### NEW SECTION

**WAC 296-150C-1460 Gas piping—Testing for leakage after appliances are connected.** (1) After gas appliances have been connected, the gas-piping system must be subjected to a pressure test with the burner valves closed. The test consists of air at not less than ten inches nor more than fourteen inches pressure of water column (six to eight ounces). The system must hold this pressure for a period of not less than ten minutes with no perceptible leakage. Before beginning the test, the temperature of the gas-piping system and the test air must be equalized, and this shall be maintained throughout the test.

(2) Appliance shut-off valves ahead of listed gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed in this manner, these valves must be opened and, while the system is under pressure, the appliance connectors must be tested with an approved leak detector or approved bubble solution.

### VENTILATION AND INDOOR AIR QUALITY

#### NEW SECTION

**WAC 296-150C-1470 Ventilation and indoor air quality—General.** Ventilation and indoor air quality equipment and installations in or on a commercial coach must be made according to the requirements of the Washington State Ventilation and Indoor Air Quality Code, the Uniform Mechanical Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

#### NEW SECTION

**WAC 296-150C-1480 Ventilation and indoor air quality definitions.** Definitions contained in the current adopted edition of the Washington State Ventilation and Indoor Air Quality Code and the Uniform Mechanical Code and the following definitions apply to the commercial coach ventilation and indoor air quality rules in this chapter.

"Duct" is a conduit or passageway for conveying air to or from heating, cooling, air conditioning, or ventilation equipment, not including the plenum.

"Plenum" is an air compartment that is part of an air-distributing system to which one or more ducts are connected.

- **A furnace-supply plenum** is a plenum attached directly to, or an integral part of, the air-supply outlet of the furnace.
- **A furnace-return plenum** is a plenum attached directly to, or an integral part of, the return inlet of the furnace.

"Vent connector" is a pipe for conveying products of combustion from a fuel-burning appliance to a vent.

"Water heater" is an appliance for heating water for domestic purposes other than for space heating.

#### NEW SECTION

**WAC 296-150C-1490 Appliances—Installation.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

(1) The installation of each appliance must conform to the listing terms and the manufacturer's instructions. The manufacturer's instructions must be attached to the appliance.

(2) Combustion air inlets and flue gas outlets must be listed or certified as components of the appliance and must be completely separated. The required separation may be obtained by:

(a) The installation of direct vent system (sealed combustion system) appliances; or

(b) The installation of appliances within enclosures so that the appliance combustion system and venting system are separate from the interior atmosphere of the commercial coach. There must not be any door, removable access panel, or other opening into the enclosure from inside the commercial coach. Any openings for ducts, piping, wiring, etc., must be sealed.

#### NEW SECTION

**WAC 296-150C-1500 Safety devices—Water heater relief valves.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

(1) All water heaters must be installed with approved and listed fully automatic valve or valves designed to provide temperature and pressure relief.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose must have the temperature sensing element immersed in the hottest water within the upper six inches of the tank. It must be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210 degrees Fahrenheit.

(3) Relief valves must be provided with full-sized drains. Drains must be directed to the exterior sides of the unit, exiting at least six inches above the ground, and each drain pipe must exhaust with a ninety degree downward turn. Drain lines must be of a material listed for hot water distribution and must drain fully by gravity, must not be trapped, and must not have their outlets threaded.

#### NEW SECTION

**WAC 296-150C-1510 Air ducts—Expandable or multiple commercial coach connections.** In addition to the requirements of the Uniform Mechanical Code and the Washington State Energy Code:

(1) An expandable or multiple commercial coach may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the commercial coach is fully expanded or coupled, the resulting duct joint will conform to the requirements of this chapter.

(2) Installation instructions for supporting the crossover duct from the commercial coach must be provided for on-site installation. The duct must not touch the ground.

PROPOSED

NEW SECTION

**WAC 296-150C-1520 Air ducts—Duct and plenum insulation.** Every heating and cooling duct and plenum must be installed according to the Uniform Mechanical Code and the Washington State Energy Code.

**PLUMBING**

NEW SECTION

**WAC 296-150C-1530 Plumbing—General.** This chapter also applies to the installation of plumbing equipment in any commercial coach bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in commercial coaches must conform to the provisions of the Uniform Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section.

NEW SECTION

**WAC 296-150C-1540 Plumbing—Definitions.** The definitions listed below, in addition to the Uniform Plumbing Code definitions apply to this chapter.

**"Drain outlet"** is the discharge end of the commercial coach main drain to which a drain connector may be attached.

**"Main drain"** is the principal artery of the commercial coach drainage system to which drainage branches may be connected.

**"Water-supply connection"** is the fitting or point of connection of the commercial coach water distribution system designed for connection to a water connector.

NEW SECTION

**WAC 296-150C-1550 Drainage—Cap or plug.** Drain outlets must be equipped with a watertight cap or plug that is permanently attached to the vehicle.

NEW SECTION

**WAC 296-150C-1560 Drainage—Clearance from drain outlet.** The drain outlet and couplers must have a minimum clearance of three inches in any direction from all parts of the structure or appurtenances and at least eighteen inches unrestricted clearance directly in front of the drain outlet.

NEW SECTION

**WAC 296-150C-1570 Water supply connection.** (1) Each commercial coach equipped with a water distribution system must have a water-supply connection that terminates within eighteen inches of the outside wall of the commercial coach.

(2) Water-supply connections must be equipped with a watertight cap or plug that is permanently attached to the commercial coach.

**VENDOR UNIT CONVERSION CODE**

**GENERAL**

NEW SECTION

**WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units?** (1) The conversion of a structure to a vendor unit must comply with the following codes:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-32 WAC;

(b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC, Installing Electric Wires and Equipment; and

(c) The Plumbing Code with the amendments under chapter 19.27 RCW.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The person converting a structure to a vendor unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

**STRUCTURAL**

NEW SECTION

**WAC 296-150C-1590 Structural analysis for acceptability.** (1) A "Type A vendor unit" is a commercial coach such as, but not limited to, a truck, van, or step van that meet the requirements of this chapter.

(2) A "Type B vendor unit" is a commercial coach such as, but not limited to, a recreational vehicle as defined by the American National Standard Institute, Inc. Conversion of a structure to a Type B vendor unit requires an engineering analysis or structural tests to determine whether it is structurally acceptable for use.

NEW SECTION

**WAC 296-150C-1600 Live loads.** (1) The design live loads for vendor units are:

(a) Roof 25 psf

(b) Floor 40 psf

(2) The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind.

(3) The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

PROPOSED

NEW SECTION

**WAC 296-150C-1610 Design load deflection.** When a structural assembly is subjected to total design live loads, the deflection for structural framing members must not exceed the following:

*L = The clear span between supports or two times the length of a cantilever.*

Floor	L/240
Roof	L/180

NEW SECTION

**WAC 296-150C-1620 Structural load tests.** (1) A structural assembly tested for qualification must sustain the design dead load plus the superimposed design live loads for vendor units (see WAC 296-150C-1600) equal to 1.75 times the required live loads for a period of twelve hours without failure of the assembly.

(2) An assembly failure is defined as a rupture, fracture, or residual deflection which is greater than the limits set in WAC 296-150C-1610.

Note: We will provide test procedure forms upon request.

**CONSTRUCTION**NEW SECTION

**WAC 296-150C-1630 Roof coverings/membrane/weather resistant.** (1)(a) The roof covering must be securely fastened in an approved manner to the supporting roof construction and must provide weather protection for the vendor unit and the occupants.

(b) Roofing membranes must be rigid enough to prevent deflection that would permit ponding of water or separation of seams due to snow, wind or during use or transportation.

(2) Exterior covering materials, including metal coverings, must be moisture and weather resistant and contain corrosion resistant fasteners to prevent wind and rain deterioration.

Note: Electro-plated, electro-deposited zinc, and electro-galvanized staples are not considered corrosion-resistant materials.

(3) All exterior openings or penetrations into the commercial coach around piping, ducts, plenums, or vents must be sealed with moisture-resistant material.

NEW SECTION

**WAC 296-150C-1640 Floors.** Wood floors must be made moisture resistant by an overlay of nonabsorbent material applied with water-resistant adhesive.

NEW SECTION

**WAC 296-150C-1650 Floor closure material.** (1) Floor closure material around piping, ducts, plenums, or vents must prevent damage to the underside of the vendor unit due to air, water, insects, dust, and be rodent resistant.

(2) The floor closure material must be listed and installed as follows:

(a) Fibrous material (with or without patches) must meet or exceed the level of forty-eight inch-pounds of puncture resistance as tested.

(b) The material must be installed according to installation instructions furnished by the supplier of the material.

(c) The material must be suitable for patches and the patch life must be equivalent to the material life.

NEW SECTION

**WAC 296-150C-1660 Chassis approval.** The vendor unit chassis and running gear must be approved by the department of transportation. We must have the approval before we inspect your commercial coach.

**MATERIALS**NEW SECTION

**WAC 296-150C-1670 Standards for equipment and installations.** (1) The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- Listed or labeled;
- Installed according to the manufacturer's installation instructions; and
- Approved by the listing or testing agency.

Note: Gas furnaces, gas water heaters, and gas refrigerators *must* be sealed combustion or completely separated from the interior of the vendor unit.

(2) No solid fuel (e.g., charcoal) appliances may be installed in a vendor unit.

NEW SECTION

**WAC 296-150C-1680 Flame-spread limitations.** For flame-spread requirements see WAC 296-150C-0910.

NEW SECTION

**WAC 296-150C-1690 Cabinet protection.** (1) The bottom and sides of combustible cabinets over cooking appliances or tops including a space of six inches from the edge of the burners must be protected with at least one-quarter inch thick asbestos millboard covered with at least 26 gauge sheet metal (.017 stainless steel, .024 aluminum or .020 copper) or equivalent protection. The protective metal over the range must form a hood with not less than a three-inch eyebrow (measuring horizontally from face of cabinet).

(2) The hood must be centered over and at least as wide as the top of the cooking appliance.

NEW SECTION

**WAC 296-150C-1700 Insulation standards.** When a source of heating or cooling is installed, the vendor unit must comply with the Washington State Energy Code, unless another state law supersedes the Washington State Energy Code.

NEW SECTION

**WAC 296-150C-1710 Light and ventilation.** Each bathroom must be provided with artificial light and with a window having at least 1/2 square feet of glazed area that can be fully opened, except where a mechanical ventilation

system is installed. Any mechanical ventilation system must exhaust directly to the outside of the vendor unit.

#### NEW SECTION

**WAC 296-150C-1720 Vendor unit exits.** At least one vending unit exit must comply with the following:

- (1) Exterior doors must be constructed for exterior use.
- (2) The exterior door must be at least thirty-inches wide by seventy-two inches high.
- (3) Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever, knob, button, handle, or other device from the interior of the vending unit.
- (4) Locks must not require the use of a key for operation from the inside.

### ELECTRICAL

#### NEW SECTION

**WAC 296-150C-1730 Electrical for vendor units.**

- (1) Any structure converted to a vendor unit where the electrical system has never been altered is considered to meet the requirements of this chapter.
- (2) Any structure converted to a vendor unit where the electrical system has been altered must meet the National Electrical Code, 1993 edition, Article 551 requirements.
- (3) Electrical tests must be performed on all vendor units according to National Electrical Code, 1993 edition.

### MECHANICAL

#### NEW SECTION

**WAC 296-150C-1740 Mechanical for vendor units.** This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any vendor unit bearing or required to bear a department insignia. Mechanical, ventilation, and indoor air quality equipment is installed in or on a vendor unit, it must be installed according to the requirements of the Uniform Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

#### NEW SECTION

**WAC 296-150C-1770 Appliances—Installation.** In addition to requirements of the Washington State Ventilation and Indoor Air Quality Code:

- (1) The installation of each appliance must conform to the listing terms and the manufacturer's instructions. The manufacturer's instructions must be attached to the appliance.
- (2) Combustion air inlets and flue gas outlets must be listed or certified as components of the appliance and must be completely separated. The required separation may be obtained by:
  - (a) The installation of direct vent system (sealed combustion system) appliances; or

(b) The installation of appliances within enclosures so that the appliance combustion system and venting system are separate from the interior atmosphere of the commercial coach. There must not be any door, removable access panel, or other opening into the enclosure from the inside of the commercial coach. Any openings for ducts, piping, wiring, etc., must be sealed.

(3) Ranges, cooktops, and ovens must not burn outside combustion air.

#### NEW SECTION

**WAC 296-150C-1780 Safety devices—Water heater relief valves.** (1) All water heaters must be installed with approved and listed fully automatic valve or valves designed to provide temperature and pressure relief.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose must have the temperature sensing element immersed in the hottest water within the upper six inches of the tank. It must be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210 degrees Fahrenheit.

(3) Relief valves must be provided with full-sized drains. Drains must be directed to the exterior of the unit, exiting at least six inches above the ground, and must exhaust downward. Drain lines must be of a material listed for hot water distribution and must drain fully by gravity, must not be trapped, and must not have their outlets threaded.

### PLUMBING

#### NEW SECTION

**WAC 296-150C-1790 Plumbing—General.** This chapter also applies to the installation of plumbing equipment in any commercial coach bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in commercial coaches must conform to the provisions of the Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section.

#### NEW SECTION

**WAC 296-150C-1800 Plumbing—Definitions.** Definitions contained in the Uniform Plumbing Code apply to this chapter:

"**Drain outlet**" is the discharge end of the commercial coach main drain to which a drain connector may be attached.

"**Main drain**" is the principal artery of the commercial coach drainage system to which drainage branches may be connected.

"**Water-supply connection**" is the fitting or point of connection of the commercial coach water distribution system to a water connector.



**NEW SECTION**

**WAC 296-150C-1810 Drainage—Cap or plug.** Drain outlets must be equipped with a watertight cap or plug that must be permanently attached to the vehicle.

**NEW SECTION**

**WAC 296-150C-1820 Drainage—Clearance from drain outlet.** The drain outlet and couplers must have a minimum clearance of three inches in any direction from all parts of the structure or appurtenances and with at least eighteen inches unrestricted clearance directly in front of the drain outlet.

**NEW SECTION**

**WAC 296-150C-1830 Water supply connection.** Water-supply connections must be equipped with a watertight cap or plug that must be permanently attached to the vehicle.

**Note:** The department of health may have more restrictive requirements. Before modifying your unit to comply with these requirements be sure to contact them.

PROPOSED

**COMMERCIAL COACH FEES**

NEW SECTION

WAC 296-150C-3000 Commercial coach fees.

PROPOSED

<b>INITIAL FILING FEE</b>	<b>\$ 35.00</b>
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<b>DESIGN PLAN FEES</b>	
INITIAL FEE-MASTER DESIGN (CODE CYCLE)	\$170.00
INITIAL FEE-ONE YEAR DESIGN	70.00
INITIAL FEE-CUSTOM DESIGN	100.00
RESUBMIT FEE	50.00
ADDENDUM	50.00
PLANS APPROVED BY PROFESSIONALS	35.00

<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION/REINSPECTION*	\$ 50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

<b>DEPARTMENT AUDIT FEES</b>	
AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

<b>INSIGNIA FEES</b>	
FIRST SECTION	\$ 15.00
EACH ADDITIONAL SECTION	10.00
ALTERATION	25.00
REISSUED-LOST/DAMAGED	10.00

<b>FIELD TECHNICAL SERVICE FEE (PER HOUR)</b>	<b>\$50.00</b>
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\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments

\*\* Per state guidelines.

\*\*\* Actual charges incurred.

**Chapter 296-150F WAC  
FACTORY-BUILT HOUSING AND COMMERCIAL  
STRUCTURES**

**NEW SECTION**

**WAC 296-150F-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.420, 43.22.434 and 43.22.450 through 43.22.490, covering the construction and approval of factory-built housing and commercial structures before occupancy.

(2) This chapter applies to the approval:

(a) Of factory-built structures used for residences or commercial purposes; and

(b) After occupancy of a factory-built house or commercial structure, all inspections are done by the local enforcement agency.

**NEW SECTION**

**WAC 296-150F-0020 What definitions apply to this chapter? "Approved"** is approved by the department of labor and industries.

**"Building site"** is a tract, parcel, or subdivision of land on which a factory-built house or commercial structure will be installed.

**"Closed construction"** is a factory-built house, commercial structure, or component that is not open for visible inspection at the building site. It may enclose factory-installed structural, mechanical, electrical, plumbing, or other systems and equipment.

**"Commercial structure"** is a structure designed or used for human habitation (such as a dormitory) or human occupancy for industrial, educational, assembly, professional, or commercial purposes. It may also include a component.

**"Component"** is a discrete element that cannot be inspected at the time of installation either in the factory or in a site-built unit, but is:

- Designed to be installed in a structure;
- Manufactured as a unit; and
- Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, or heating assembly.

It may also be a service core. A service core is a factory-assembled, three-dimensional section of a building. It may include mechanical, electrical, plumbing, and related systems. It may be a complete kitchen, bathroom, or utility room. Service cores are referred to as "wet boxes," "mechanical cores," or "utility cores."

Note: A roof truss is not considered a component.

**"Department"** is the department of labor and industries. The department may also be referred to as "we" or "us" in this chapter. Our address is: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a plan for the construction of factory-built housing, commercial structures, or components that includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

**"Design option"** is a design that a manufacturer may use as an option to its design plan.

**"Equipment"** is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built housing, commercial structures, and components.

**"Factory assembled structure (FAS) advisory board"** is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to factory-built housing, commercial structures and components. (See RCW 43.22.420.)

**"Factory-built housing"** is housing designed for human occupancy such as a single-family dwelling. The structure of any room is entirely or substantially prefabricated or assembled at a place other than a building site. It may also include a component. A factory-built house is also referred to as a "modular" structure. Factory-built housing does not include manufactured (mobile) housing. (See RCW 43.22.450(3).)

**"Insignia"** is a label that we attach to a structure to verify that a factory-built house or commercial structure meets the requirements of this chapter. It could also be a stamp or label attached to a component to verify that it meets the requirements of this chapter.

**"Install"** is to erect or set in place a structure at a building site. It may also be the construction or assembly of a component as part of a factory-built house or commercial structure.

**"Listed"** is a piece of equipment, a component, or an installation that appears in a list published by an approved testing or listing agency and is suitable for use in a specified manner.

**"Listing agency"** is an organization whose business is approving equipment, components, or installations for publication.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the installation of factory-built housing and commercial structures.

**"Manufacturing"** is making, fabricating, forming, or assembling a factory-built house, commercial structure, or component.

**"Repair"** is the replacement, addition, modification, or removal of any construction, equipment, system, or installation to correct damage in transit or during on-site installation before occupancy.

**"Unit"** is a factory-built house, commercial structure, or component.

**NEW SECTION**

**WAC 296-150F-0030 How is this chapter enforced?**

(1) To enforce this chapter, we or another governmental inspection agency will inspect each factory-built house and commercial structure that is sited in Washington. Inspections will be conducted during normal work hours or at other reasonable times. (See WAC 296-150F-0070.)

(2) We will inspect each unit as required by the codes. (See WAC 296-150F-0600.)

NEW SECTION

**WAC 296-150F-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

NEW SECTION

**WAC 296-150F-0070 Do you have reciprocal agreements with other states to inspect factory-built housing and commercial structures, and components?**

(1) We have entered into reciprocal agreements with states who have construction standards that are equal to or greater than our standards for factory-built housing and commercial structures.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects factory-built housing, commercial structures, and components manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects factory-built housing, commercial structures, and components manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.

(3) We have reciprocal agreements on file.

NEW SECTION

**WAC 296-150F-0080 Do you allow a local enforcement agency to inspect factory-built housing, commercial structures, and components at the manufacturing location?** (1) A local enforcement agency (city or county), under contract with us, can inspect factory-built housing, commercial structures, and components. In some cases their contract may be limited to specific portions of an inspection at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia, which indicates the unit has passed inspection.

NEW SECTION

**WAC 296-150F-0100 What happens if I disagree with your decision regarding my compliance with this chapter?** (1) If we determine you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notification of our decision.

NEW SECTION

**WAC 296-150F-0110 Do you have an advisory board to address factory-built housing and commercial structure issues?** The factory assembled structures (FAS) board advises us on issues relating to structural, plumbing, mechanical, electrical, installation, inspections, and rules for factory-built structures. (See RCW 43.22.420.)

NEW SECTION

**WAC 296-150F-0120 Where can I obtain technical assistance regarding factory-built housing and commercial structures?** We provide field technical service to factory-built housing and commercial structure manufacturers for an hourly fee. Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

**INSIGNIA**NEW SECTION

**WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia?** (1) You must obtain insignia from us for each factory-built house and commercial structure sited in Washington state.

Note: You do not need to purchase our insignia if you manufacture factory-built housing and commercial structure in Washington for sale outside the state.

(2) You must have an approved design plan and have passed inspection before an insignia can be attached to your factory-built home or commercial structure by us or our authorized agent.

(3) If a unit is damaged in transit after leaving the manufacturing location or during an on-site installation, and a repair is necessary, you must purchase an insignia from us. The insignia indicates that the unit was repaired.

NEW SECTION

**WAC 296-150F-0210 What are the insignia requirements?** (1) If you are applying for insignia for factory-built housing and commercial structures you must have your design plan approved and your units inspected and approved by us.

(2) We will attach the insignia after:

(a) We receive the required forms and fees from you (see WAC 296-150F-3000); and

(b) Your unit has passed final inspection. (See WAC 296-150F-0500.)

NEW SECTION

**WAC 296-150F-0220 How do I obtain insignia information and the required forms?** Upon request, we will provide you with a packet of information that includes the required forms.

NEW SECTION

**WAC 296-150F-0230 What are the insignia application requirements?** (1) If you are requesting insignia for units that you intend to manufacture under a *new design plan*, your completed application must include:

- (a) A completed design plan approval request form;
- (b) One complete set of design plans, specifications, engineering analysis, test procedures and results, plus one additional set for each manufacturing location where the design plan will be used. Design plans must have an original wet stamp from a professional engineer or architect; and
- (c) A one time initial filing fee, the design plan fee and the fee for each insignia (if we approve your design plan). (See WAC 296-150F-3000.)

(2) If you are requesting insignia under an *approved design plan*, your completed application must include:

- (a) A completed application for insignia form; and
- (b) The fee for each insignia requested. (See WAC 296-150F-3000.)

NEW SECTION

**WAC 296-150F-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is attached to your factory-built house, commercial structure, or component, you may obtain a replacement insignia.

(2) You should contact us and provide the following information:

- (a) Your name, address, and telephone number;
  - (b) The name of the manufacturer;
  - (c) The serial number;
  - (d) The manufacturer number (M#), if available;
  - (e) The insignia number, if available; and
  - (f) The required fee. (See WAC 296-150F-3000.)
- (3) If we can determine that your unit previously had an insignia, we will attach an insignia to your unit once we receive your insignia fee. (See WAC 296-150F-3000.)

**DESIGN PLAN**NEW SECTION

**WAC 296-150F-0300 When is design plan approval required?** Design plans for factory-built housing and commercial structures prior to installation at the building site in Washington must be approved when:

- (1) You build a new unit;
- (2) You modify an approved design plan through an addendum; or
- (3) You add options to an approved design plan through an addendum.

NEW SECTION

**WAC 296-150F-0310 Who can approve design plans?** Design plans can be approved by us or by a licensed professional or firm authorized by us (see WAC 296-150F-0420).

**DESIGN-PLAN APPROVAL BY THE DEPARTMENT**NEW SECTION

**WAC 296-150F-0320 What must I provide with my request for design-plan approval by the department?** All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design-plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. (See WAC 296-150F-0340 and 296-150F-0350.)
- (3) An original wet stamp from an approved professional engineer or architect licensed in Washington state;
- (4) A one-time initial filing fee and the design-plan fee (see WAC 296-150F-3000); and
- (5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules.

NEW SECTION

**WAC 296-150F-0340 What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington state.

NEW SECTION

**WAC 296-150F-0350 What must the test procedures and results for design plans include?** (1) Tests to a design for a factory-built home or commercial structure must be witnessed by a professional engineer or architect licensed in Washington state or by a department employee.

- (2) Test reports must contain the following items:
  - (a) A description of the methods or standards that applied to the test;
  - (b) Drawings and a description of the item tested;
  - (c) A description of the test set-up;
  - (d) The procedure used to verify the correct load;
  - (e) The procedure used to measure each condition;
  - (f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and
  - (g) Analysis, comments, and conclusion.
- (3) The written test procedures, results and conclusions must reference the applicable design plan.

NEW SECTION

**WAC 296-150F-0380 What happens if you approve my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter.

- (2) We will send you an approved copy of the design plan with the design-plan approval number.
- (3) You must keep copies of the approved design plan at each location where a factory-built house, commercial structure, or component is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150F-3000.)

#### NEW SECTION

**WAC 296-150F-0390** If my design plan is not approved, how much time do I have to submit a corrected design plan? (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150F-3000.)

#### NEW SECTION

**WAC 296-150F-0400** What happens after my design plan is approved? Once your design plan is approved, we will inspect each related factory-built house, commercial structure, or component.

#### NEW SECTION

**WAC 296-150F-0410** When does my design plan expire? (1) Your design plan expires when there is a code change. You must submit new design plans for approval when there is a uniform building code cycle change. Otherwise, you may use your design plans to order insignia as long as they comply with the applicable codes.

(2) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The State Building Code is on a three-year code cycle which coincides with the state building code council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

#### NEW SECTION

**WAC 296-150F-0415** Who approves addendums to design plans approved by the department? You must have us approve an addendum to a design plan, if we initially approved your design plan.

### DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRM

#### NEW SECTION

**WAC 296-150F-0420** Who can be authorized to approve design plans? (1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

#### NEW SECTION

**WAC 296-150F-0430** What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration, and address of the professional engineer or architect; or

(2) Name, a copy of your certificate of authority, and address of the firm; and

(3) A description of the services the professional engineer, architect, or firm will provide; and

(4) A description of the professional's area(s) of expertise and qualifications which include:

(a) A summary of the professional's or firm's experience; and

(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality.

#### NEW SECTION

**WAC 296-150F-0440** How will I know whether I am authorized to approve design plans? Within sixty days after you submit the information requested in WAC 296-150F-0430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150F-0100.)

#### NEW SECTION

**WAC 296-150F-0450** How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked or is suspended.

(1) You must notify us of your license renewal at least fifteen days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

#### NEW SECTION

**WAC 296-150F-0460** What information must a professional or firm provide with their approved design plan? A professional or firm who approves a design plan must provide the following information with your approved design plan:

(1) A completed departmental design plan approval request form;

(2) Two or more sets of the design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, signed, and dated by the approving professional(s) (see WAC 296-150F-0330 and 296-150F-0340);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan; and

(4) A copy of the authorization letter from us.

Note: A professional who designs the factory-built home or commercial structure cannot also approve the design plan.

### NEW SECTION

**WAC 296-150F-0470 What happens after we receive the professional or firm approved design plan and information?** (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We will periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150F-3000.)

### NEW SECTION

**WAC 296-150F-0480 Do you have a list of professionals or firms that are authorized to approve design plans?** We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for factory built housing and commercial structures.

### NEW SECTION

**WAC 296-150F-0490 Who approves addendum's to design plans approved by a professional or firm?** You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

## INSPECTIONS PRIOR TO ISSUANCE OF AN INSIGNIA

### NEW SECTION

**WAC 296-150F-0500 When is an inspection required?** (1) Before we issue an insignia, each factory-built house, commercial structure, and component must be inspected at the manufacturing location as many times as are required by the codes. (See WAC 296-150F-0600.) Inspections may include:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required;

(c) Other required code inspections;

(d) A final inspection after the factory-built house, commercial structure, or component is complete;

Note: Each factory-built house, commercial structure, and component must have a serial number to enable us to track inspections.

(2) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(3) After a unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection. (See WAC 296-150F-0240.)

(4) Approved design plans, specifications, engineering analysis or test results must be available during the inspections.

(5) Once your unit is inspected and approved we will attach the insignia.

Note: We only inspect factory-built housing and commercial structures before occupancy. After occupancy, the local enforcement agency is the inspection agency.

### NEW SECTION

**WAC 296-150F-0510 How do I request an inspection?** (1) You must contact us, and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department.

(2) We must receive in-state inspection requests at least seven days prior to the date that you want the inspection.

(3) We must receive out-of-state inspection requests at least fourteen days prior to the date that you want the inspection.

### NEW SECTION

**WAC 296-150F-0520 What happens if my factory-built house or commercial structure passes inspection?**

(1) If your factory-built house or commercial structure passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

(2) After our final inspection, we will send a notice to the local enforcement agency (NLEA) indicating whether further inspection is necessary. (See WAC 296-150F-0550.)

### NEW SECTION

**WAC 296-150F-0530 Am I charged if I request an inspection but I am not prepared?** (1) If you ask us to inspect a factory-built house or commercial structure within Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee and travel. (See WAC 296-150F-3000.)

(2) If you ask us to inspect a factory-built home, commercial structure, or component outside Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses. (See WAC 296-150F-3000.)

**NEW SECTION**

**WAC 296-150F-0540 Who inspects factory-built housing and commercial structures for installation at the building site?** (1) The local enforcement agency (city or county) must approve the permits necessary for installation.

(2) The local enforcement may also request a set of design plans and specifications for the unit from you.

(3) After the unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection.

Note: The local enforcement agency may not open the concealed construction of a factory-built house or commercial structure to inspect if our insignia is attached.

**NEW SECTION**

**WAC 296-150F-0550 Do you notify the local enforcement agency after your final inspection of factory-built structures at a manufacturing location?** After we perform a final inspection of a factory-built, commercial structure, or component, we will send a notice to the local enforcement agency (NLEA) that:

(1) Specifies what connections, standards, and incomplete items the local enforcement agency must check when the unit is installed; and/or

(2) Estimates the expected time of arrival of the factory-built house or commercial structure to the site.

**USED FACTORY-BUILT STRUCTURES WITHOUT AN INSIGNIA****NEW SECTION**

**WAC 296-150F-0580 Must I obtain an insignia for used factory-built structures?** All used factory-built housing and commercial structures that are to be installed on a building site in Washington state must have an insignia of approval from us.

**NEW SECTION**

**WAC 296-150F-0590 How do I obtain insignia for used factory-built structures?** We consider used factory-built housing and commercial structures as new structures for purposes of insignia approval. To obtain insignia, you must:

(1) Have the design plan approved by us (see WAC 296-150F-0300 through 296-150F-0480);

(2) Purchase insignia (see WAC 296-150F-0200 through 296-150F-0230); and

(3) Pass a unit inspection (see WAC 296-150F-0500 through 296-150F-0550).

Note: You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

**CODES FOR FACTORY-BUILT HOUSING, COMMERCIAL STRUCTURES, AND COMPONENTS****NEW SECTION**

**WAC 296-150F-0600 What manufacturing codes apply to factory-built housing and commercial structures?** (1) All design, construction, installations, and alterations of factory-built housing, commercial structures, and components must conform with the following codes and the requirements of this chapter:

(a) The State Building Code, chapter 19.27 RCW;

Note: The Uniform Building Code reference to "building official" means the chief prefabricated building specialist or authorized representative at the department of labor and industries.

(b) The Energy Related Building Standards, chapter 19.27A RCW;

(c) The National Electrical Code as referenced in chapter 19.28 RCW and chapters 296-46 and 296-401 WAC.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of factory-built structures and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these standards, provided the deviation does not result in inferior installation or defeat the purpose and intent of the standard.

Note: The codes, RCW's, and WAC's referenced in this rule are available for reference at the Washington State Library, the Washington State Law Library, and may be available at your local library.

**MANUFACTURER'S NOTICE TO THE DEPARTMENT****NEW SECTION**

**WAC 296-150F-0700 Must manufacturers of factory-built housing and commercial structures notify you if they manufacture at more than one location?** (1) If you are manufacturing factory-built housing and commercial structures at more than one location, approved design plans must be available at each manufacturing location.

(2) You are required to send us the following information for each manufacturing location:

(a) Company name;

(b) Mailing and physical address; and

(c) Phone and FAX number if available.

(3) You must update this information as it changes.

**NEW SECTION**

**WAC 296-150F-0710 Must manufacturers of factory-built housing and commercial structures notify you of a change in business name or address?** (1) If you are moving, notify us in writing prior to a change of business name or address.

(2) Your notice must include the change of name and address.



NEW SECTION

**WAC 296-150F-0720 Must manufacturers of factory-built housing and commercial structures notify you of a change in business ownership?** (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner releases the design plan.

PROPOSED

**FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES**

NEW SECTION

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

<b>INITIAL FILING FEE</b>	<b>\$ 35.00</b>
<b>DESIGN PLAN FEES</b>	
INITIAL FEE-MASTER DESIGN (CODE CYCLE)	\$170.00
INITIAL FEE-ONE YEAR DESIGN	100.00
INITIAL FEE-CUSTOM DESIGN	100.00
RESUBMIT FEE	50.00
ADDENDUM	50.00
PLANS APPROVED BY PROFESSIONALS	35.00
<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION (PER HOUR)*	\$ 50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
NLEA CHARGE	21.00
<b>DEPARTMENT AUDIT FEES</b>	
AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
<b>INSIGNIA FEES</b>	
FIRST SECTION	\$ 140.00
EACH ADDITIONAL SECTION	14.00
REISSUED-LOST/DAMAGED	35.00
<b>FIELD TECHNICAL SERVICE FEE (PER HOUR)</b>	<b>\$50.00</b>

- \* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments
- \*\* Per state guidelines.
- \*\*\*Actual charges incurred.

PROPOSED

**Chapter 296-150M WAC  
MANUFACTURED HOMES**

**NEW SECTION**

**WAC 296-150M-0010 Authority, purpose, and scope.** (1) This chapter is authorized by RCW 43.22.340 through 43.22.445. The law requires that any alteration to a manufactured home be approved by the department. A manufactured home with an approved alteration requires an alteration insignia. Alteration insignia can be purchased from us.

(2) The United States Department of Housing and Urban Development (HUD), manufactured housing standards division, has given us the authority to act as a manufactured home production Inspection Primary Inspection Agency (IPIA) and enforce 24 CFR 3280. As an IPIA:

(a) We are required to inspect every manufactured home built in Washington state sometime during production;

(b) We are authorized to audit the quality control program and the performance of quality control inspectors of manufactured home factories located in Washington state;

(c) We are authorized to supply a HUD label to the manufacturer following our inspection and approval of the manufactured home and the manufacturer's quality control program; and

(d) We are authorized to remove HUD labels according to the guidelines stated in the IPIA inspector's manual.

Note: A copy of our IPIA approval letter is on file at the department.

**NEW SECTION**

**WAC 296-150M-0020 What definitions apply to this chapter?** "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home.

The following are not considered alterations:

- Repairs with approved parts; or
- Modification of a listed fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.33 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Our address is: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

"Footing" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or "skirting" is the material that surrounds and encloses the space under the manufactured home.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site.

"IPIA" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"Manufactured home" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis;
- Can be transported in more than one section with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302); and
- May or may not have a permanent foundation when connected to required utilities.

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

## INSIGNIA

"Mobile home" is a manufactured home as defined in this chapter.

"Park site" is the installation location of a manufactured home within a residential area for manufactured homes.

"Structural alteration-custom design" is a design that can only be used once.

"Structural alteration-master design" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"System" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

NEW SECTION

**WAC 296-150M-0040 Will you keep my manufacturing information confidential?** We will only release manufacturing information such as design plans for structural alterations according to the requirements of the Public Records Act. (See RCW 42.17.310 (1)(h).)

NEW SECTION

**WAC 296-150M-0050 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice?** (1) If we find your manufactured home violates this chapter or federal standards in 24 CFR 3280, we may attach a prohibited sale or lease notice to your unit.

(2) You may not sell or lease a manufactured home that is posted with a prohibited sale or lease notice.

(3) A prohibited sale or lease notice shall remain posted until the code violation is corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000.)

NEW SECTION

**WAC 296-150M-0060 Who handles consumer complaints about manufactured homes?** The Washington state department of community, trade and economic development (CTED), office of manufactured housing section, handles consumer complaints about manufactured homes. CTED is the state administrative agency (SAA) for the United States Department of Housing and Urban Development for the federal manufactured home program.

NEW SECTION

**WAC 296-150M-0100 What happens if I disagree with your decision regarding my compliance with the federal standards, ANSI, or this chapter?** (1) If we determine that you are in violation with the federal standards, ANSI A225.1, or this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can submit a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notification of our decision.

NEW SECTION

**WAC 296-150M-0200 What labels or insignia are required on my manufactured home?** (1) A HUD label must be attached to the exterior of each section of a manufactured home built on or after June 15, 1976.

(2) An alteration insignia must be attached to the exterior of a manufactured home. It should be placed next to the HUD label or to the Washington state insignia.

(3) If your manufactured home does not have a HUD label or a Washington state insignia, we will attach the alteration insignia to the exterior end wall opposite the hitch end of the manufactured home. It must be placed approximately one foot above the floor line and one foot from the edge of the manufactured home.

NEW SECTION

**WAC 296-150M-0250 How do I replace a lost or damaged insignia?** (1) If an alteration insignia or a Washington state insignia is lost or damaged after it is placed on a manufactured home, you should notify us in writing immediately. You should provide the following information:

(a) Your name, address, and telephone number;

(b) The name and address of the previous owner and date of approval, if you are replacing an alteration insignia that was obtained before you purchased the manufactured home;

(c) The vehicle identification number or serial number and model;

(d) The insignia or label number if available;

(e) The design plan approval number, if available; and

(f) The insignia replacement fee and any inspection fees.

(See WAC 296-150M-3000.)

Note: Washington state insignia (not HUD insignia) were attached to manufactured homes prior to June 15, 1976.

(2) After we receive your notice and payment for replacing the insignia, we may inspect your manufactured home to assure that the replacement insignia reflects compliance with your original insignia.

(3) If your home complies with your original insignia approval, we will attach a replacement alteration insignia or Washington state insignia to your manufactured home.

NEW SECTION

**WAC 296-150M-0260 How do I replace a lost or damaged HUD label?** (1) If a HUD label is lost or damaged after it is placed on a manufactured home, you should notify the manufacturer's production Inspection Primary Inspection Agency (IPIA) in writing immediately. The department of labor and industries is the IPIA for builders of manufactured homes in Washington state.

(2) If your manufactured home complies with federal standards that were in effect the date your home was built, the IPIA may replace your lost or damaged HUD label.

**ALTERATIONS AND INSPECTIONS****ALTERATION APPROVAL****NEW SECTION**

**WAC 296-150M-0300 What approval do I need to alter a manufactured home?** If you alter a manufactured home in Washington state, you must obtain our approval prior to making an alteration. This includes:

- (1) Alterations made by an owner, or contractor; and
- (2) Alterations made by a dealer after a manufactured home is sold.

**NEW SECTION**

**WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home?** If you alter a manufactured home without getting our approval and an alteration insignia, we may remove your Washington state insignia or HUD label and your manufactured home cannot be sold or leased.

**NEW SECTION**

**WAC 296-150M-0320 What must I provide to request approval of an alteration?** (1) For approval of an alteration, you must complete and return our alteration permit form. The permit form must contain:

- (a) A description of the proposed alteration(s);
- (b) Applicable specifications, engineering data, test procedures and results; and
- (c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

**NEW SECTION**

**WAC 296-150M-0330 How do I obtain alteration insignia information and the forms you require?** Upon request, we will provide you with the forms and the fee schedules needed to obtain an alteration insignia or you can contact any department of labor and industries office. Our address is noted in the definition of department.

**NEW SECTION**

**WAC 296-150M-0340 What must an engineering analysis for design plans include?** (1) The engineering analysis must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington or by a DAPIA who approved the original design plan.

**NEW SECTION**

**WAC 296-150M-0350 What must the test procedures and results for design plans include?** (1) Tests to an alteration design must be performed and evaluated by a professional engineer or architect licensed in Washington or by a DAPIA who approved the original design plan.

(2) Test reports must contain the following items:

- (a) A description of the methods or standards that applied to the test;
- (b) Drawings and a description of the item tested;
- (c) A description of the test set-up;
- (d) The procedure used to verify the correct load;
- (e) The procedure used to measure each condition;
- (f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested;
- (g) Engineering data; and
- (h) Analysis, comments, and conclusion.

(3) The written test procedures, results, and conclusions must reference the applicable structural alteration design plan.

**NEW SECTION**

**WAC 296-150M-0360 When is design plan approval required for an alteration?** (1) When you make a structural alteration to your manufactured home.

(2) A structural alteration is a change to the body or frame of a manufactured home. For example, an alteration is made if you change the size of a room or the pitch of a roof on your manufactured home.

**NEW SECTION**

**WAC 296-150M-0370 How do I obtain alteration design plan approval?** (1) You must have your design plan approved by:

- (a) A Design Approval Primary Inspection Agency (DAPIA), if they approved the initial design plan; or
- (b) A professional engineer or architect who is licensed in Washington state.

(2) You must submit two copies of your alteration design plan with the appropriate fee to us for review and approval. (See WAC 296-150M-3000.)

**NEW SECTION**

**WAC 296-150M-0380 How will I know whether you have approved my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter and federal standards in 24 CFR 3280.

(2) We will send you an approved copy of your design plan with the plan approval number.

(3) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150M-3000.)

**NEW SECTION**

**WAC 296-150M-0390 If my design plan is not approved, how much time do I have to submit a corrected plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee

after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150M-3000.)

#### NEW SECTION

**WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia?** (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms upon request.

(b) Submit the completed forms to us, with the inspection fee and alteration insignia fee. (See WAC 296-150M-3000.)

(2) Request inspection of your alteration at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

### INSPECTION

#### NEW SECTION

**WAC 296-150M-0500 When must an inspection be requested?** (1) You must request an inspection by us, if you are altering a manufactured home.

(2) You must request an inspection by the local enforcement agency, for manufactured home installations.

#### NEW SECTION

**WAC 296-150M-0530 Am I charged if I request an inspection but am not prepared when you arrive?** If you ask us to inspect your manufactured home or your alteration, but you are not prepared when we arrive, you must pay the minimum inspection fee. (See WAC 296-150M-3000.)

### INSTALLATION REQUIREMENTS

#### INSTALLATION, PERMIT, INSPECTION, DISPUTE

#### NEW SECTION

**WAC 296-150M-0600 Who establishes standards for installation of manufactured homes?** (1) The director of labor and industries is responsible for establishing installation standards for persons or entities engaged in performing the installation of manufactured homes within the state.

(2) Local jurisdictions may adopt additional installation standards that exceed this chapter as long as the standards do not conflict with this chapter. If the local standards conflict with this chapter, this chapter controls.

#### NEW SECTION

**WAC 296-150M-0610 What instructions are used for a manufactured home installation?** The following instructions must be used for an initial or relocated manufactured home installation:

(1) Installation of a new manufactured home.

(a) The initial manufactured home installation must be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions do not address an aspect of the installation, you may request:

(i) Specific instructions from the manufacturer; or

(ii) Specific instructions from a professional engineer or architect licensed in Washington state.

For example: (A) A manufactured home is installed over a basement and the manufacturer's instructions do not address this application;

(B) A manufactured home is installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(2) Relocation installation of a manufactured home.

(a) A relocated manufactured home installation should be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions are unavailable, you may use:

(i) The American National Standard Institute (ANSI) standard ANSI A225.1-Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

#### NEW SECTION

**WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas?** (1) Local enforcement agencies may have special installation requirements for manufactured homes installed in hazardous areas.

(2) A hazardous area is:

(a) An area recognized as a flood plain by the local jurisdiction; or

(b) An area considered hazardous due to the probability of earthquake. We recommend that in an earthquake area you use additional measures designed by an engineer to minimize the potential effects caused by an earthquake.

#### NEW SECTION

**WAC 296-150M-0630 Who may install a manufactured home?** (1) A manufactured home may be installed by:

- A homeowner;
- A certified installer;
- An individual who is supervised by a certified installer; or
- A specialty trades person, for certain aspects of installation.

(2) A certified installer must be a registered contractor or his or her employee, or an employee of a registered dealership. (See chapter 43.63B RCW.)

**NEW SECTION**

**WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit?** (1) Any person who installs a manufactured home must obtain an installation permit from the local enforcement agency prior to installation.

(2) Any permit fees set by the local enforcement agency must be paid in full and included with the permit application.

(3) A dealer shall not deliver a manufactured home to its site without verifying that an installation permit has been obtained.

**NEW SECTION**

**WAC 296-150M-0650 Does a manufactured home installation require an inspection?** Any person who installs a manufactured home must have the installation inspected and approved by the local enforcement agency. Occupancy of a manufactured home before inspection does not imply approval.

**NEW SECTION**

**WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them?** On-site structures, such as, but not limited to, carports, decks and steps should be self-supporting.

(1) On-site self-supporting structures that do not use any of the systems in the manufactured home are inspected by the local enforcement agency and they should be contacted for specific on-site structure requirements.

(2) On-site structures that are not self-supporting or use one or more of the systems of the manufactured home require an inspection by us and by the local enforcement agency.

**NEW SECTION**

**WAC 296-150M-0670 What happens if a dispute arises concerning an installation requirement?** (1) If a dispute arises between any person, business, or local enforcement agency concerning an installation requirement of ANSI A225.1 or this chapter, the issue may be submitted to the factory assembled structures advisory (FAS) board.

(2) The board may provide an opinion on the requirement.

**ADDITIONAL INSTALLATION REQUIREMENTS****NEW SECTION**

**WAC 296-150M-0700 Acceptable types of ground cover.** You must use a minimum of six-mil *black* polyethylene sheeting or its equivalent. (See ANSI A225.5 (3.5.2).)

**NEW SECTION**

**WAC 296-150M-0710 Clearance under manufactured homes.** You must have a minimum clearance of eighteen inches maintained beneath the lowest member of the main frame (I-beam or channel beam) and the ground or footing. No more than twenty-five percent of the lowest member of the main frame of the home shall be less than

eighteen inches above the ground or footing, and in no case shall clearance be less than twelve inches anywhere under the home. (See ANSI A225.1 (4.1.3.3).)

**NEW SECTION**

**WAC 296-150M-0720 Water heater relief lines.** Hot water tank pressure relief lines must be exhausted to the exterior of the foundation skirting and directed downward.

**NEW SECTION**

**WAC 296-150M-0730 Heat pump.** Heat pump condensation lines must be extended to the exterior.

**MANUFACTURED HOME FEES**

NEW SECTION

**WAC 296-150M-3000 Table of manufactured home fees.**

<b>INITIAL FILING FEE (EXCEPT CUSTOM DESIGNS)</b>	<b>\$25.00</b>
<b>DESIGN PLAN</b>	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$100.00
STRUCTURAL ALTERATION-ONE YEAR DESIGN	70.00
STRUCTURAL ALTERATION-CUSTOM DESIGN	70.00
RESUBMITAL	50.00
ADDENDUM	50.00
<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION/REINSPECTION (PER HOUR)*	\$50.00
<b>INSIGNIA FEES</b>	
ALTERATION	\$25.00
REISSUED-LOST/DAMAGED	15.00
<b>FIELD TECHNICAL SERVICE FEES(PER HOUR)*</b>	<b>\$50.00</b>
<b>IPIA</b>	
<b>DEPARTMENT AUDIT FEES</b>	
PER SECTION(ONE TIME ONLY)	\$23.00
INCREASED FREQUENCY VISITS(PER HOUR)*	50.00
REINSPECTION(PER HOUR)*	50.00

NOTE: Local jurisdictions may have other fees that apply.

\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments.

**Chapter 296-150R WAC  
RECREATIONAL VEHICLES AND PARK TRAILERS**

NEW SECTION

**WAC 296-150R-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.340 through 43.22.434 and covers the requirements for:

(a) Obtaining state-plan or self-certified status if you manufacture recreational vehicles or park trailers for sale or lease in Washington state.

(b) Obtaining state-plan or self-certified insignia if you manufacture recreational vehicles or park trailers for sale or lease in Washington state.

(2) This chapter applies to:

(a) Manufacturers and individuals who build, sell, or lease recreational vehicles or park trailers in Washington state; and

(b) Manufacturers, dealers, and individuals who alter recreational vehicles and park trailers for sale or lease in Washington state.

NEW SECTION

**WAC 296-150R-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the construction, fire and life safety, or the plumbing, LP (liquefied petroleum) and/or natural gas systems and appliances, air conditioning, or electrical systems of a recreational vehicle or park trailer.**

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a listed fuel burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a vehicle alteration was approved by the department.

PROPOSED



"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational vehicles and park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.2 Recreational Vehicles, 1996 edition, and ANSI A119.5 Park Trailers, 1993 edition, as appropriate.

"Approved" is approved by the department of labor and industries.

"Audit" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"Consumer" is a person or organization who buys or leases recreational vehicles or park trailers.

"Dealer" is a person or organization whose business is offering recreational vehicles or park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Our address is: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"Listed" is a piece of equipment that has been approved by an approved testing agency.

"Listing agency" is an approved organization whose business is approval and publication of equipment, components, or installations.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle or park trailer manufacturer.

"National Electrical Code" as adopted by chapter 19.28 RCW is the electrical code required for ANSI compliance.

"Park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area in the set-up mode of less than 400 square feet (37.2 square meters); and
- Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation,

storing, handling, and use of materials complies with this chapter and ANSI.

"Recreational vehicle" is a vehicle designed as temporary living quarters for recreational camping, travel, or seasonal use. It either runs on its own power or is mounted on or towed by another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, park trailers, travel trailers, truck campers and multiuse vehicles.

"Self-certification insignia" is an insignia which is obtained under the self-certification approval process.

"State-plan insignia" is an insignia which is obtained under the design-plan approval process.

"System" is a part of a recreational vehicle or park trailer that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"Testing agency" is an organization whose business is testing equipment or systems.

"Vehicle" for the purposes of this chapter, is a recreational vehicle or a park trailer that is manufactured, sold, or leased in Washington.

#### NEW SECTION

##### **WAC 296-150R-0030 How is this chapter enforced?**

(1) We enforce this chapter through:

- (a) The state plan insignia approval process (see WAC 296-150R-0330 through 296-150R-0720); or
- (b) The self-certification insignia approval process (see WAC 296-150R-0800 through 296-150R-0930).

(2) Vehicle inspections occur where the recreational vehicles or park trailers are manufactured, sold, or leased. We conduct inspections during normal work hours or at other reasonable times. We may require you to remove a part of the recreational vehicle or park trailer in order to conduct our inspection.

#### NEW SECTION

**WAC 296-150R-0040 Will you keep my manufacturing confidential?** We will only release manufacturing information, such as design plans, specifications, test results, and manuals, according to the Public Records Act. (See RCW 42.17.310 (1)(h).)

#### NEW SECTION

##### **WAC 296-150R-0060 Who handles consumer complaints about recreational vehicles and park trailers?**

(1) Consumers may file complaints with us, if they have reason to believe a manufacturer and/or dealer is in violation of this chapter and ANSI.

(2) The complaint should be in writing and describe the items that may not comply with this chapter and ANSI.

(3) After we receive the complaint, we will send the manufacturer and/or the dealer a copy of the complaint. The manufacturer and/or dealer has thirty days to respond to the complaint.

(4) If we decide an inspection is warranted and specific code violation(s) are found during the inspection, the manufacturer or dealer is charged for the inspection.

NEW SECTION

**WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?** (1) If we determine that you are in violation of this chapter and ANSI, you will receive a notice of noncompliance and we may withdraw your certification. (See WAC 296-150R-0710, 296-150R-0920.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notification of our decision.

NEW SECTION

**WAC 296-150R-0110 Do you have an advisory board to address recreational vehicle and park trailer issues?** The factory assembled structures (FAS) board advises us on issues relating to plumbing, heating, electrical, installation, alterations, inspections, and rules for recreational vehicles and park trailers. (See RCW 43.22.420.)

NEW SECTION

**WAC 296-150R-0120 Where can I obtain technical assistance regarding recreational vehicles and park trailers?** We provide field technical service to recreational vehicle and park trailer manufacturers for an hourly fee (see WAC 296-150R-3000). Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

NEW SECTION

**WAC 296-150R-0130 Do you allow recreational vehicles and park trailers to be displayed without an insignia?** We allow one recreational vehicle or park trailer to be displayed without an insignia, if you:

(1) Get written approval from us in advance of displaying the unit; we should receive your written request at least thirty days prior to display of the unit. Your request must include:

- (a) The model and serial number of the unit;
- (b) The location where the unit will be displayed; and
- (c) The date(s) the unit will be displayed.

(2) Are licensed in Washington state through the department of licensing;

- (3) Have your approval letter available at the display;
- (4) Place three visible signs on the display unit:
  - (a) One at the main entry door;
  - (b) One inside the front of the unit; and
  - (c) One inside the back of the unit.

The signs must read: *Not For Sale - Display Only.*

The letters on the sign must be one inch or higher.

**REQUIREMENTS FOR INSIGNIA AND OTHER VEHICLE IDENTIFICATION**NEW SECTION

**WAC 296-150R-0200 Who should obtain recreational vehicle and park trailer insignia?** (1) If you manufacture recreational vehicles or park trailers to be sold or leased in Washington, you must purchase either a state-plan or self-certified insignia for each vehicle.

(2) Individuals that build recreational vehicles or park trailers to sell or lease in Washington must purchase an insignia.

(3) If you have a vehicle with either a state-plan or self-certified insignia and you plan to alter or have another person alter it, you must obtain an alteration insignia from us.

NOTE: You do not need to purchase our insignia if you manufacture recreational vehicles or park trailers in Washington for sale outside the state.

NEW SECTION

**WAC 296-150R-0210 How do I obtain insignia information and the forms you require?** Upon request, we will provide you with a packet of information that includes required forms and fee schedule for obtaining the state-plan or self-certified insignia. Our address is noted in the definition of department.

NEW SECTION

**WAC 296-150R-0220 How do I obtain insignia based on state-plan approval?** (1) If you are approved to purchase of insignia based on state-plan approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150R-3000.)

(2) The application must include:

(a) A signed statement from you certifying that you are manufacturing your units according to your approved design plans and your quality control program; and

(b) A list of the approved design plans against which you will apply the insignia.

NEW SECTION

**WAC 296-150R-0230 How do I obtain insignia based on self-certification approval?** If you are approved to purchase insignia based on self-certification approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150R-3000.) The application must include the design plan with a signed statement from you certifying that you are manufacturing your units according to your comprehensive design plans and your quality control program.

NEW SECTION

**WAC 296-150R-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is placed on a recreational vehicle or park trailer and you are the manufacturer or owner, you must notify us in writing immediately.

(2) Your notification should include the following information:

- (a) Your name, address, and telephone number;
  - (b) The vehicle identification number or serial number and model;
  - (c) The insignia number and design-plan approval number, if applicable; and
  - (d) The required fee. (See WAC 296-150R-3000.)
- (3) If we can determine that your unit previously had an insignia, we will attach the insignia to your vehicle once we receive your insignia fee. (See WAC 296-150R-3000.)

#### NEW SECTION

**WAC 296-150R-0280 What other vehicle identification is required?** Every *new* recreational vehicle or park trailer manufactured, offered for sale or lease, or sold or leased in Washington must also have a vehicle identification number (VIN) label in compliance with the Federal Department of Transportation (DOT) safety standards.

**Note:** Truck campers do not require a vehicle identification number (VIN). They have a manufacturer's serial number.

#### NEW SECTION

**WAC 296-150R-0290 When and where should the insignia and the vehicle identification label be attached to the vehicle?** (1) Insignia must be attached to the finished vehicle before it leaves the approved manufacturer's location.

(2) The state-plan or self-certification insignia must be attached adjacent to the main door, on the strike side of the door, at least twelve inches above the floor line. The strike side of the door is opposite the hinge side of the door.

(3) The alteration insignia must be attached next to the certification insignia.

(4) The vehicle identification number (VIN) label must be attached on the vehicle as required by the Federal Department of Transportation. Any other vehicle identification label is to be attached next to the certification insignia or on the exterior front half of the left side of the vehicle, at least six inches above the floor line.

### STATE PLAN

#### NEW SECTION

**WAC 296-150R-0300 What is required to obtain insignia based on state-plan approval?** If you want to obtain insignia based on state-plan approval, you must:

- (1) Have your design plan and quality control manual approved by us; and
- (2) Pass a quality control program comprehensive audit which includes a random inspection of your vehicles.

#### NEW SECTION

**WAC 296-150R-0310 What is required after I am approved as a state-plan manufacturer?** Once you have obtained approval as a state-plan manufacturer:

- (1) You are required to submit comprehensive design plans to us for approval;

(2) You can inspect your own vehicles based upon your quality control manual specifications; and

(3) You are subject to an annual comprehensive audit and random vehicle inspections at your manufacturing location(s).

### DESIGN PLAN

#### NEW SECTION

**WAC 296-150R-0320 How do I apply for design-plan approval?** Upon request, we will send you a design-plan approval request form.

#### NEW SECTION

**WAC 296-150R-0330 What is required for comprehensive design-plan approval?** If you are the manufacturer applying for state-plan approval:

(1) You must submit two sets of comprehensive design plans (do not send originals) to us for approval. Design plans must be accompanied by the initial filing fee, if appropriate, and the design plan fee. (See WAC 296-150R-3000.)

(2) Your comprehensive design plan must indicate compliance with the appropriate ANSI standards in the following plans and drawings:

(a) Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances, and air conditioning systems, if applicable, of each vehicle.

(b) Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

(c) Electrical drawings.

**Note:** We will provide a check list with detailed requirements for each type of plan upon request.

(3) Current comprehensive design plans must be available at each manufacturing location.

(4) You must have an approved quality control manual. (See WAC 296-150R-0710, 296-150R-0920.)

**Note:** You do not need a quality control manual if you are an individual asking us to inspect a vehicle.

#### NEW SECTION

**WAC 296-150R-0340 What happens if you approve my design plan?** (1) Your design plan will be approved if it complies with the requirements of this chapter and ANSI.

(2) We will send you an approved copy of the design plan with the approval number.

(3) You must keep copies of the approved design plan at all manufacturing locations for each model you produce.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us.

NEW SECTION

**WAC 296-150R-0350** If my design plan is not approved, how much time do I have to submit a corrected plan? (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee once we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150R-3000.)

**QUALITY CONTROL PROGRAM/MANUAL**NEW SECTION

**WAC 296-150R-0400** What constitutes an acceptable quality control program/manual for state-plan insignia? Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control requirements are met when vehicles are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing, and receiving staff;

(2) All comprehensive design plans and related documentation for recreational vehicles or park trailer models you produce;

(3) Procedures for maintaining the quality assurance of each vehicle model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surgehold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle and park trailer material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate

accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number, model, plan approval number, dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program; and

(16) Procedures for introducing new designs, models, materials and equipment.

NEW SECTION

**WAC 296-150R-0410** How do I apply to have my quality control manual approved? We will provide the form and instructions upon request.

NEW SECTION

**WAC 296-150R-0420** What happens if my quality control manual is approved? (1) Your quality control manual will be approved if it meets the requirements of this chapter and ANSI.

(2) We will send you an approved copy of your quality control manual.

(3) If your quality control manual is not approved, you will be notified in writing of the deficiencies. You may send us a corrected quality control manual.

**DESIGN PLAN/QUALITY CONTROL MANUAL—  
REVIEW, CHANGES, EXPIRATION, AND RENEW-  
AL**NEW SECTION

**WAC 296-150R-0440** Do I need approval to change my design plan or quality control manual after I receive state-plan approval? (1) Once you have received state-plan approval and you want to change your design plan or quality control manual, we must approve the changes.

(2) You should send design plan or quality control manual changes to us thirty days before you want the changes to take effect.

NEW SECTION

**WAC 296-150R-0450** When does state-plan insignia approval expire? As a state-plan manufacturer, your approval for insignia is based upon approval of your design plan and quality control manual. Design plans are considered approved until a new ANSI code edition is adopted or unless revisions to ANSI prior to code changes would not support our design plan approval.

Note: ANSI codes are normally adopted for a three-year period.

**INSPECTION****NEW SECTION**

**WAC 296-150R-0600** When does a manufacturer, individual builder, or a dealer need to request a vehicle inspection? If you are a manufacturer, individual builder, or a dealer, you must request a vehicle inspection by us:

- (1) If you have approval of your design plan and quality control manual and need to complete the state-plan process;
- (2) If you are making a vehicle alteration which must be inspected and approved by us; or
- (3) If you are correcting a violation which must be inspected and approved by us.

Note: An individual who is building a vehicle to own, sell, or lease must obtain a vehicle identification number from the state patrol prior to our issuance of certification insignia.

**NEW SECTION**

**WAC 296-150R-0610** How do I request a vehicle inspection and what documentation is required? (1) Complete an inspection application which can be obtained from us.

(2) Send the completed application, application fee, and inspection fee to us prior to the date you would like an inspection performed. (See WAC 296-150R-3000.)

(3) During the inspection, have your approved design plans, specifications, and test results available for our inspector.

(4) A vehicle inspection will be completed in two phases. The "cover" inspection during the construction of the unit before the electrical, plumbing, mechanical, heating, and structural systems are covered. The final inspection takes place after the vehicle is complete.

**NEW SECTION**

**WAC 296-150R-0620** What happens if my vehicle passes inspection? (1) If your vehicle passes inspection and you have met the other requirements of this chapter and ANSI, you will be approved to purchase state-plan insignia from us.

(2) If you send your insignia application and fee to us prior to the inspection, we will attach your insignia when we approve the vehicle.

**NEW SECTION**

**WAC 296-150R-0630** What happens if my vehicle does not pass inspection? (1) If your vehicle does not pass inspection, you will receive a notice of noncompliance.

(2) You have ten days after receiving the notice of noncompliance to send us a written response explaining how you will correct the violation(s) and prevent its reoccurrence.

(3) You are not allowed to move, sell or lease a vehicle until:

- (a) You correct the violation(s);
- (b) We inspect and approve the correction(s); and
- (c) You pay the inspection fee and the insignia fee, if required. (See WAC 296-150R-3000.)

(4) If you fail to make the corrections, the sale or lease of your vehicle is prohibited by RCW 43.22.340 until the corrections are made.

Note: You will be allowed to return a vehicle to the manufacturing location or to another location for correction with our approval.

**NEW SECTION**

**WAC 296-150R-0640** Am I charged if I request an inspection but I am not prepared? (1) If you ask us to inspect recreational vehicles or park trailers within Washington state but are not prepared when we arrive, you must pay the minimum inspection fee and travel.

(2) If you ask us to inspect recreational vehicles or park trailers outside Washington state but are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses.

**AUDIT****NEW SECTION**

**WAC 296-150R-0700** What does our annual quality control program audit for state-plan insignia include?

(1) During your annual comprehensive audit for state-plan insignia, we will review your quality control program and inspect your vehicles.

(2) If our comprehensive audit indicates that you are complying with the requirements of this chapter and ANSI, you may purchase state-plan insignia.

(3) If we discover a quality control program deficiency or a vehicle violation during our comprehensive audit, you will receive a notice of noncompliance and cannot purchase state-plan insignia until the deficiency or violation is corrected.

(a) You can correct the deficiency or violation during the comprehensive audit; or

(b) You have fourteen days after receiving the notice of noncompliance to send us a written response explaining your correction of the deficiency or violation;

(c) You are subject to a follow-up comprehensive audit.

**LOSS OF STATE-PLAN APPROVAL****NEW SECTION**

**WAC 296-150R-0710** Can you withdraw my state-plan insignia approval? Should you fail to meet the requirements of this chapter and ANSI after you have been approved to purchase state-plan insignia, we will withdraw your certification.

**NEW SECTION**

**WAC 296-150R-0720** What happens if my state-plan insignia approval is withdrawn? If your state-plan insignia approval is withdrawn because you have failed to comply with this chapter and ANSI:

(1) You must return any issued but unused insignia to us; and

(2) You cannot sell or lease vehicles in Washington.

PROPOSED

**SELF-CERTIFICATION****AUDIT TO RECEIVE SELF-CERTIFICATION**NEW SECTION

**WAC 296-150R-0800** What is required for self-certification? If you want to be self-certified, you must:

- (1) Send us a written request for self-certification;
- (2) Have us approve your self-certification quality control manual;
- (3) Have us approve your comprehensive design plans for the current models you sell in Washington state;
- (4) Initially be audited by us, and then be audited at least every six months by an industry association or independent inspection agency who conducts quality control audits;
- (5)(a) The manufacturer must designate an industry association or other independent auditor to perform audits of the manufacturer at least every six months.

(b) The manufacturer must provide written approval from the auditor designated under (a) of this subsection and provide a copy of such approval to the department. The approval form must allow us to review all documentation and information collected by the auditor during the auditor's periodic audits of the manufacturer. The department shall conduct a performance audit of the industry association or other qualified auditor at least once every two years.

(c) If the designated auditor refuses to allow the department to conduct a performance audit, then the department may conduct a performance audit of the manufacturer's quality control program. If both the designated auditor and manufacturer refuse to allow a performance audit, then the department may conduct a comprehensive audit as authorized by RCW 43.22.355(4).

Note: If you do not use an industry association or independent inspection agency to conduct your quality control audits, you may apply for insignia under the state-plan process for insignia approval.

NEW SECTION

**WAC 296-150R-0810** What does the initial self-certification comprehensive audit include? During the initial self-certification comprehensive audit, we will:

- (1) Review your quality control program;
- (2) Review your comprehensive design plans; and
- (3) Randomly inspect your vehicles.

NEW SECTION

**WAC 296-150R-0820** How will I know if I am approved for self-certification? (1) If the initial self-certification comprehensive audit indicates that you are complying with this chapter and ANSI, we will send you a self-certification approval letter. Once you are approved as self-certified you may purchase self-certification insignia.

(2) If we discover a quality control program deficiency or a vehicle violation during our initial audit, you will receive a notice of noncompliance and cannot purchase the self-certification insignia until the deficiency or violation is corrected.

(a) You can correct the deficiency or violation during the audit; or

(b) You have fourteen days after receiving the notice of noncompliance to send us a written response explaining your correction of the deficiency or violation;

(c) You are subject to a follow-up comprehensive audit, to verify correction of the deficiency or violation.

NEW SECTION

**WAC 296-150R-0830** What are the self-certification fees? (1) If you are a new manufacturer applying for self-certification, you must pay the initial filing fee, the quality control manual fee, the audit fee, travel and per diem expenses.

(2) If you are a current state-plan manufacturer who has approved design plans with the department, you must pay the self-certification quality control manual fee, the audit fee, travel and per diem expenses.

**SELF-CERTIFICATION COMPREHENSIVE DESIGN PLAN/QUALITY CONTROL PROGRAM/QUALITY CONTROL MANUAL**NEW SECTION

**WAC 296-150R-0840** What is required for comprehensive design plan approval for self-certification? (1) If you are a *new manufacturer* applying for self-certification:

(a) You must send us two sets of comprehensive design plans (do not send originals) for approval. Design plans must be accompanied by the appropriate fees. (See WAC 296-150R-3000.)

(b) Your comprehensive design plan must indicate compliance with the appropriate ANSI standards in the following plans and drawings:

(i) Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances, and air conditioning systems, if applicable to the plan of each vehicle.

(ii) Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

(iii) Electrical drawings.

Note: We will provide you with a check list with detailed requirements for each type of plan upon request.

(c) Current comprehensive design plans must be available at each manufacturing location.

(2) If you are a state-plan approved manufacturer, you must have approved comprehensive design plans on file with us and at each manufacturing location.

NEW SECTION

**WAC 296-150R-0850** What constitutes an acceptable quality control program/manual for self-certification? Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control expectations are met when vehicles are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing and receiving staff;

(2) All comprehensive design plans and related documentation for recreational vehicle or park trailer models you produce;

(3) Procedures for maintaining the quality assurance of each vehicle model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surge-hold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle and park trailer material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number, model, plan approval number (if applicable), dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program;

(16) Procedures for introducing new designs, models, materials and equipment; and

(17) Written authorization as required in WAC 296-150R-0800(5).

### NEW SECTION

**WAC 296-150R-0860 After becoming self-certified, do I need approval to change my comprehensive design plan?** (1) Once you are self-certified, you are not required to send us your comprehensive design plans nor are we required to approve your comprehensive design plan changes.

(2) You are required to maintain your comprehensive design plans for each model at each of your manufacturing locations.

### NEW SECTION

**WAC 296-150R-0870 After becoming self-certified, do I need approval to change my quality control manual?** Once you are self-certified, you are required to have any changes to your quality control manual approved by us.

### **AUDIT AFTER SELF-CERTIFICATION**

#### NEW SECTION

**WAC 296-150R-0900 When do you audit self-certified manufacturers?** (1) We audit self-certified manufacturers, if we have reason to believe, you are not complying with this chapter and ANSI.

(2) Reasons to believe that you may not be complying with this chapter and ANSI may include, but are not limited to:

(a) Consolidation of manufacturing locations or relocation of your manufacturing plant;

(b) Complaints from dealers, consumers, or other interested parties that you are not complying with this chapter and ANSI;

(c) Change of business ownership; or

(d) Noncompliance with the requirements of this chapter.

(3) A comprehensive or performance audit based on WAC 296-150R-0800 (5)(c).

#### NEW SECTION

**WAC 296-150R-0910 After I am self-certified, what does an audit include?** A performance audit after you are self-certified includes:

(1) A review of your quality control program;

(2) Verification that you are manufacturing vehicles according to this chapter and ANSI; and

(3) Verification that your comprehensive design plans are available at all locations where the vehicles are manufactured.

Note: Our audit may include a review of the comprehensive design plans at your manufacturing location.

### **LOSS OF SELF-CERTIFICATION**

#### NEW SECTION

**WAC 296-150R-0920 Can you withdraw my self-certification?** Should you fail to meet the requirements of this chapter and ANSI after you have been approved for self-certification, your self-certification can be withdrawn.

NEW SECTION

**WAC 296-150R-0930 What happens if my self-certification is withdrawn?** If your self-certification is withdrawn because you have failed to comply with this chapter and ANSI:

- (1) You must return any issued but unused insignia to us; and
- (2) You cannot sell or lease vehicles in Washington.

**VEHICLE ALTERATIONS**NEW SECTION

**WAC 296-150R-1000 Who needs approval to alter a recreational vehicle or park trailer?** (1) Any alteration by a manufacturer, dealer, or individual to a vehicle with state-certified insignia must be approved by us before the alteration is made. "Alteration" is defined in WAC 296-150R-0020.

(2) Any alteration by a manufacturer, dealer, or individual to a vehicle with self-certified insignia after it leaves the manufacturer's location must be approved by us before the alteration is made.

Note: We may remove your insignia if you alter or have someone alter a vehicle without our approval.

NEW SECTION

**WAC 296-150R-1010 Must I purchase a separate insignia for an alteration?** You are required to purchase an alteration insignia from us.

NEW SECTION

**WAC 296-150R-1020 How do I apply for alteration approval and obtain the alteration insignia?** (1) To apply for alteration approval and the alteration insignia, you must:

- (a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms.
- (b) Submit the completed forms, with the inspection fee and altered vehicle insignia fee, to us. (See WAC 296-150R-3000.)

(2) Our vehicle inspection of the alteration will be in two phases. The "cover" inspection during the alteration of the unit before the electrical, plumbing, mechanical, heating, or other systems are covered. The final inspection takes place after the vehicle is complete.

(3) Once we approve your alteration, we will attach the alteration insignia.

**MANUFACTURER'S NOTICE TO THE DEPARTMENT**NEW SECTION

**WAC 296-150R-2000 Must state-plan and self-certified manufacturers notify you if they manufacture at more than one location?** (1) We must approve each recreational vehicle and park trailer manufacturing location producing units for sale or lease in Washington state.

(2) You must send us the following information for each manufacturing location when you are certified:

- (a) Company name;

- (b) Mailing and physical address;
  - (c) Phone and FAX number if available;
  - (d) Type of recreational vehicle(s) manufactured;
  - (e) Contact person for plan review; and
  - (f) Contact person for plant audit.
- (3) You must update the information as it changes.

NEW SECTION

**WAC 296-150R-2010 Must state-plan and self-certified manufacturers notify you if they change a business name or address?** (1) If you are moving your business from an approved manufacturing location, the new location must be approved before shipping units from that location for sale or lease in Washington state.

(2) You must notify us in writing prior to a change of business name or address.

NEW SECTION

**WAC 296-150R-2020 Must state-plan and self-certified manufacturers notify you of a change in business ownership?** (1) When a recreational vehicle or park trailer manufacturing business changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture vehicles using approved design plans or comprehensive design plans according to this chapter.

(3) The department will perform a comprehensive audit of the manufacturer after the ownership change to ensure you are meeting the requirements of this chapter and ANSI.

NEW SECTION

**WAC 296-150R-2030 Must state-plan and self-certified manufacturers notify you of their Washington dealers?** (1) You must send us the following information about yourself and each of your Washington dealers when you are certified:

- (a) Dealership name;
- (b) Mailing and physical address;
- (c) Phone and FAX number if available;
- (d) Type of recreational vehicle(s); and
- (e) Contact person.

(2) You must update this information as it changes.



**RECREATIONAL VEHICLE AND PARK TRAILER FEES**

NEW SECTION

WAC 296-150R-3000 Table of recreational vehicle and park trailer fees for insignia approval.

<b>STATE PLAN</b>		<b>SELF CERTIFICATION</b>	
INITIAL FILING FEE	\$25.00	INITIAL FILING FEE	\$25.00

<b>DESIGN PLAN</b>		<b>DESIGN PLAN</b>	
REVIEW FEE	\$70.00	NEW PLAN REVIEW FEE (ONE TIME FEE)	\$70.00
RESUBMITTAL	50.00	RESUBMITTAL	50.00
ADDENDUM	50.00	ADDENDUM	50.00

<b>STATE PLAN/MANUAL FEES</b>		<b>SELF CERTIFICATION/MANUAL FEES</b>	
INITIAL APPROVAL	\$10.00	INITIAL APPROVAL	\$10.00
RESUBMITTAL	50.00	RESUBMITTAL	50.00
ADDENDUM	50.00	ADDENDUM	50.00

<b>DEPARTMENT AUDIT FEES</b>		<b>DEPARTMENT AUDIT FEES</b>	
AUDIT (PER HOUR)*	\$50.00	AUDIT (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00	TRAVEL (PER HOUR)*	50.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	

<b>DEPARTMENT INSPECTION FEES</b>		<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION (PER HOUR)*	\$50.00	INSPECTION (PER HOUR)*	\$50.00
TRAVEL (PER HOUR)*	50.00	TRAVEL (PER HOUR)*	50.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	

<b>INSIGNIA FEES</b>		<b>INSIGNIA FEES</b>	
STATE CERTIFIED	\$10.00	SELF CERTIFIED	\$10.00
ALTERATION	25.00	ALTERATION	25.00
REISSUED-LOST/DAMAGED	10.00	REISSUED-LOST/DAMAGED	10.00

FIELD TECHNICAL SERVICE FEE (PER HR.)	\$50.00
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\* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments  
 \*\* Per state guidelines.  
 \*\*\* Actual charges incurred.

PROPOSED

**WSR 96-15-091**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 19, 1996, 3:50 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-14-11 [95-14-011].

Title of Rule: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Purpose: Defines procedures that the Office of Superintendent of Public Instruction uses to determine for each school district: (1) Maximum maintenance and operation levy authority; and (2) local effort assistance allocations.

Statutory Authority for Adoption: RCW 84.52.0531(10) and 28A.150.290.

Statute Being Implemented: RCW 28A.500.010 and 84.52.0531.

Summary: Amends existing rules to implement changes contained in chapter 11, Laws of 1995 1st sp. sess., updates levy based revenue account titles, and changes procedures for levy authority transfers for school district cooperatives.

Reasons Supporting Proposal: Rules need amending to comply with changes in statute, terminology in school district accounting system, and recent change in special education funding formula.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: John Pearson, Superintendent of Public Instruction, Olympia, 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 11, Laws of 1995 1st sp. sess. extended the 4% added levy authority percentage to 1996 and 1997 school district M & O levies. The proposed rules implement this change. Also, the proposed rules change levy authority transfers for school districts participating in cooperatives. This change is necessary because of the change in state special education funding and would result in excessive levy transfers if not changed. This also results in the levy transfers agreeing with the language in the levy statute. Additionally, the proposed rules update levy base revenue account descriptions and delete one obsolete revenue account and delete rules pertaining to obsolete enrollment forms.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 28, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 14, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 27, 1996.

Date of Intended Adoption: August 29, 1996.

July 18, 1996

Judith A. Billings  
 Superintendent of  
 Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-139-120 Definition—4121 Special education ((of handicapped children)).** As used in this chapter, "4121 Special education ((of handicapped children))" means the school district general fund revenue account in which is recorded revenue for a program for education of ((handicapped)) children pursuant to chapter 28A.155 RCW, RCW 28A.150.390, chapter ((392-174)) 392-172 WAC and the Biennial Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

**WAC 392-139-129 Definition—4175 Local education program enhancement.** As used in this chapter, "4175 Local education program enhancement" means the school district general fund revenue account in which is recorded revenue for local education program enhancement pursuant to chapter 392-140 WAC and the Biennial Operating Appropriations Act. Beginning with the 1995-96 school year, local education program enhancement includes student learning improvement revenue funded in revenue account 4175.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-150 Definition—5200 General purpose direct federal grants, unassigned.** As used in this chapter, "5200 General purpose direct federal grants, unassigned" means the school district general fund revenue account in which are recorded federal unassigned general purpose grants.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-152 Definition—6100 Special purpose, OSPI, unassigned.** As used in this chapter, "6100 Special purpose, OSPI, unassigned" means the school district general fund revenue account in which is recorded revenue from any federal source distributed by the superintendent of public instruction that is not assignable to a specific 6000 series revenue account.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-154 Definition—6124 ((Handicapped EHA)) Special education, supplemental Part B.** As used in this chapter, "6124 ((Handicapped EHA)) Special education, supplemental ((Part B))" means the school district general fund revenue account in which is recorded revenue

PROPOSED

from grants to school districts to assist them in providing a free and appropriate public education to ~~((ah))~~ special education students.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

**WAC 392-139-156 Definition—6127** ~~((Handicapped))~~ Special education, deinstitutionalized. As used in this chapter, "6127 ~~((Handicapped-EHA))~~ Special education, ((supplemental Part B)) deinstitutionalized" means the school district general fund revenue account in which is recorded revenue from federal supplemental funds for special education deinstitutionalized children.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-158 Definition—6138 Secondary vocational education** ~~((, P.L. 98-524)).~~ As used in this chapter, "6138 Secondary vocational education ~~((, P.L. 98-524))~~" means the school district general fund revenue account in which are recorded grants for school district secondary vocational education programs ~~((for handicapped students, disadvantaged individuals, and programs to eliminate sex bias and stereotyping commonly known as the Carl D. Perkins Vocational Education Act, P.L. 98-524)).~~

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

**WAC 392-139-162 Definition—6151 Remediation, ((ESSIA)) ESEA, Chapter 1.** As used in this chapter, "6151 Remediation, ~~((ESSIA))~~ ESEA, Chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 1 of the Elementary and Secondary ~~((School Improvement))~~ Act ~~((ESSIA))~~ (ESEA) for remedial education received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

**WAC 392-139-164 Definition—6153 Migrant, ((ESSIA)) ESEA, Chapter 1.** As used in this chapter, "6153 Migrant, ~~((ESSIA))~~ ESEA, Chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 1 of the Elementary and Secondary ~~((School Improvement))~~ Act ~~((ESSIA))~~ (ESEA) arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-168 Definition—6164 Bilingual, ((Title VII, P.L. 95-561)) P.L. 93-380.** As used in this chapter, "6164 Bilingual, ~~((Title VII, P.L. 95-561))~~ P.L. 93-380" means the school district general fund revenue account in which are recorded federal revenues pursuant to P.L. 93-380

distributed by the superintendent of public instruction ~~((for programs for the improvement of English language skills commonly known as Title VII, P.L. 95-561)).~~

AMENDATORY SECTION (Amending Order 92-07, filed 9/21/92, effective 10/22/92)

**WAC 392-139-172 Definition—6176** ~~((Targeted assistance, ESSIA))~~ ESEA, Chapter 2, P.L. 100-297. As used in this chapter, "6176 ~~((Targeted assistance, ESSIA))~~ ESEA, Chapter 2 ~~((, P.L. 100-297))~~" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 2 of the Elementary and Secondary ~~((School Improvement))~~ Education Act ((ESSIA)) and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-182 Definition—6264 Bilingual, ((Title VII, P.L. 95-561)) P.L. 93-380.** As used in this chapter, "6264 Bilingual, ~~((Title VII, P.L. 95-561))~~ P.L. 93-380" means the school district general fund revenue account in which are recorded direct grants from the federal government ~~((for the reimbursement of school district expenditures to improve English language skills commonly known as Title VII, P.L. 95-561))~~ pursuant to P.L. 93-380.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

**WAC 392-139-184 Definition—6268 Indian education, ((P.L. 92-318)) ED.** As used in this chapter, "6268 Indian education, ~~((P.L. 92-318))~~ ED" means the school district general fund revenue account in which are recorded direct grants from the federal government for education of Indian youth ~~((commonly known as P.L. 92-318 but not for programs for Indian education commonly known as Johnson-O'Malley programs)).~~

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

**WAC 392-139-310 Determination of excess levy base.** The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

(1) Sum the following state and federal allocations for the prior school year:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation reimbursement - depreciation.

(ii) ~~((Handicapped))~~ Special education. Allocations for ~~((handicapped))~~ special education include allocations for the following accounts:

4121 Special education of ~~((handicapped))~~ children;

6124 (~~(Handicapped)~~) Special education supplemental, EHA, Part B; and

6127 (~~(Handicapped)~~) Special education deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

6151 Remediation, (~~(ESSIA)~~) ESEA, Chapter 1;

6153 Migrant, (~~(ESSIA)~~) ESEA, Chapter 1;

(~~(6162-Refugee programs)~~)

6164 Bilingual, (~~(Title VII, P.L. 95-561)~~) P.L. 93-380 (SPI);

6167 Indian education, JOM;

6264 Bilingual, (~~(Title VII, P.L. 95-561)~~) P.L. 93-380 (direct); and

6268 Indian education, (~~(P.L. 92-318)~~) ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

4175 Local education program enhancement; and

6176 (~~(Targeted assistance, ESSIA)~~) ESEA, Chapter 2 (~~(P.L. 100-297)~~).

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants, unassigned;

6100 Special purpose, OSPI, unassigned;

6138 Secondary vocational education (~~(P.L. 98-524)~~);

6146 Skills center;

6177 Mathematics and science;

6200 Direct special purpose grants; and

6246 Skills center, direct federal grant.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are from the (~~(September 1989)~~) accounting manual for public school districts in the state of Washington, revised (~~(1990)~~) 1996.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Special education (~~(of handicapped children)~~);

4155 Learning assistance;

4165 Transitional bilingual;

4174 Highly capable;

4175 Local education program enhancement;

4198 School food services (state);

4199 Transportation - operations;

4499 Transportation reimbursement - depreciation;

6124 (~~(Handicapped)~~) Special education supplemental(~~(EHA, Part B)~~);

6127 (~~(Handicapped)~~) Special education deinstitutionalized;

6138 Secondary vocational education(~~(P.L. 98-524)~~);

6146 Skills center;

6151 Remediation, (~~(ESSIA)~~) ESEA, Chapter 1;

6153 Migrant, (~~(ESSIA)~~) ESEA, Chapter 1;

(~~(6162-Refugee programs)~~)

6176 (~~(Targeted assistance, ESSIA)~~) ESEA, Chapter 2 (~~(P.L. 100-297)~~);

6177 Mathematics and science; and

6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

5200 General purpose direct federal grants, unassigned;

6100 Special purpose, SPI, unassigned;

6164 Bilingual, (~~(Title VII, P.L. 95-561)~~) P.L. 93-380 (SPI);

6167 Indian education, JOM;

6200 Direct special purpose grants;

6246 Skills center, direct federal grant;

6264 Bilingual, (~~(Title VII, P.L. 95-561)~~) P.L. 93-380 (direct);

6268 Indian education, (~~(P.L. 92-318)~~) ED; and

6998 USDA commodities.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

**WAC 392-139-320 Determination of maximum excess levy percentage.** (1) For 1994, 1995, 1996 and (~~(1995)~~) 1997, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus four percent (e.g., 21.5% plus 4% equals 25.5%).

(2) For 1993, (~~(1996)~~) 1998 and thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage as the greater of twenty percent or the percentage calculated as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by:

(i) For 1993, (~~(1997)~~) 1999 and thereafter, the school district's maximum excess levy percentage for the prior calendar year;

(ii) For (~~(1996)~~) 1998, the school district's maximum levy percentage for 1993;

(b) Subtract from the result obtained in (a) of this subsection the school district's levy reduction funds for the year of the levy; and

(c) Divide the result obtained in (b) of this subsection by the school district's excess levy base.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-139-330 Determination of excess levy authority transfers for interdistrict cooperation programs.** The superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending

district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

(1) Determine the serving district's ~~((excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustment for transfers of excess levy authority pursuant to this section and WAC 392-139-340))~~ basic education allocation that is included in the excess levy base pursuant to WAC 392-139-310;

(2) Divide the result in subsection (1) of this section by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191; ~~((and))~~

(3) Multiply the result in subsection (2) of this section by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on form ~~((s P-223NR, and P-223H or 1067))~~ P-223;

(4) Determine the percentage increase per full-time equivalent student between the prior school year and the current school year as stated in the state basic education appropriation in the state Operating Appropriations Act;

(5) Increase the percentage in subsection (4) of this section by dividing the percentage in subsection (4) of this section by 0.55;

(6) Increase the result in subsection (3) of this section by the percentage increase calculated in subsection (5) of this section; and

(7) Multiply the result in subsection (6) of this section by the maximum excess levy percentage for the serving district pursuant to WAC 392-139-320.

**AMENDATORY SECTION** (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-139-340 Determination of excess levy authority transfers from high school districts to nonhigh school districts.** The superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

(1) The estimated excess levy authority transfer for the current school year is determined as follows:

(a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of

excess levy authority pursuant to this section and WAC 392-139-330;

(b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.545 RCW as reported on form P-213.

(2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:

(a) Determine the high school district's certified excess levy for the current calendar year;

(b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC 392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213 ~~((, P-223NR,))~~ and ~~((P-223H or 1067))~~ P-223; and

(c) Multiply the result by the number of AAFTE students determined as follows:

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported on form P-213 for the prior calendar year.

**AMENDATORY SECTION** (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

**WAC 392-139-901 Petitions for levy base adjustments.** School districts may request levy base adjustments as follows:

~~((+))~~ At any time prior to September 15 of the prior calendar year, two or more school districts may petition the superintendent of public instruction to transfer levy base revenues between school districts for revenues generated by nonresident students served in an interdistrict cooperative for which no transfer is made pursuant to WAC 392-139-330 or 392-139-340. The petition shall state the revenue account(s) and dollar amounts to be transferred to and from each district. Net transfers for all districts shall equal zero. The petition shall be signed by the superintendent or authorized official of each participating school district. If the superintendent of public instruction finds that revenues were generated by services to nonresident students each district's levy base shall be adjusted accordingly.

~~((2))~~ At any time prior to September 15 of the prior calendar year, a school district may petition the superintendent of public instruction to credit school district revenues which have been redirected to an educational service district to the school district levy base. The petition shall be signed by the superintendent or authorized official of the school district and the educational service district. If the superintendent of public instruction finds that revenues were generated by resident students of the school district, revenues

PROPOSED

~~shall be credited to the school district levy base accordingly.)~~

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-139-166	Definition—6162 Refugee, P.L. 96-212.
WAC 392-139-220	Definition—P-223NR.
WAC 392-139-225	Definition—Form 1067.

**WSR 96-15-093**  
**PROPOSED RULES**  
**EXECUTIVE ETHICS BOARD**  
[Filed July 19, 1996, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-020.

Title of Rule: Measurable expenditure.

Purpose: RCW 42.52.180(1) prohibits use of the facilities of an agency to assist in a campaign for the election of a person to office or for promoting or opposing a ballot proposition. RCW 42.52.180 (2)(b) sets out an exception to the prohibition in RCW 42.52.180(1) for statements made by elected officials in response to an inquiry in support of or opposition to a ballot proposition if there is no actual measurable expenditure of funds. The purpose of the rule is to define the term measurable expenditure.

Statutory Authority for Adoption: RCW 42.52.180 (2)(b), 42.52.360 (2)(b).

Statute Being Implemented: RCW 42.52.180.

Summary: This rule defines measurable expenditure as an expenditure or separately identifiable cost of specific portion of a cost incurred by the agency beyond the normal and regular expenditures, or costs incurred the agency in responding to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions.

RCW 42.52.180 (2)(b) provides that the ethics boards shall adopt a rule defining measurable expenditure. The exception in RCW 42.52.180 (2)(b) permits elected officials to respond to inquiries regarding ballot propositions without actual measurable expenditure of public funds. Elected officials regularly expend funds to respond to inquiries from the media, constituents and others. Under the rule there is no measurable expenditure if the cost incurred by the official's agency in responding to an inquiry regarding a ballot proposition is no greater than the normal cost in responding to other types of inquiries. This is a sensible approach to the definition. If an elected official could not express an opinion about a ballot proposition in response to an inquiry, the official would expend public funds in a letter explaining why he or she could not express an opinion on the ballot proposition. There is no measurable expenditure of public funds if cost of expressing an opinion on a ballot proposition is no greater [than] the cost of explaining why the official cannot express an opinion.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Cook, P.O. Box 40100, Olympia, (360) 664-0871.

Name of Proponent: Executive Ethics Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.52.180(1) prohibits the use of the facilities of an agency to assist in a campaign for the election of a person to an office or for promotion of or opposition to a ballot proposition. Under RCW 42.52.180 (2)(b), an elected official may respond to an inquiry regarding a ballot proposition without an actual measurable expenditure of public funds. RCW 42.52.180 (2)(b) directed the Executive Ethics Board to define the term "measurable expenditure" for officers and employees in the executive branch of state government. Under the rule a measurable expenditure is an expenditure or separately identifiable cost or specific portion of a cost incurred by the agency beyond the normal and regular expenditures or costs incurred by the agency in responding to inquiries from the media, constituents or other persons on matters unrelated to ballot propositions.

The purpose of this rule is to permit elected officials to respond to inquiries regarding ballot propositions but prohibit response which involved measurable expenditures beyond those involved in the normal response to an inquiry.

The anticipated effect of this rule will be to provide guidance to elected officials who receive inquiries regarding ballot propositions. While an elected official can respond to such an inquiry, the official may not use the facilities of the agency to campaign for the ballot proposition.

Proposal does not change existing rules. There is no existing rule defining measurable expenditure for officers and employees in the executive branch of state government.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule defines measurable expenditure and involves use of the facilities of an agency for political campaigns. The rule does not regulate private business. Therefore, the rule will have no economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 34.05.328(5) the Executive Ethics Board is not an agency subject to the provisions of RCW 34.05.328 (1)-(4). In addition, under RCW 34.05.328 (5)(b)(ii), these rules relate to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: Attorney General Conference Center, 4224 6th Avenue S.E., Building 1, Olympia, WA 98504-0130, on September 13, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teri Metcalf by August 21, 1996, TDD (360) 586-3751.

Submit Written Comments to: Barbara Cook, Secretary, FAX (360) 664-0229, by August 16, 1996.

Date of Intended Adoption: September 13, 1996.

July 17, 1996

Barbara Cook

Secretary of the Board

EXECUTIVE ETHICS BOARD  
Chapter 292-110  
Agency Substantive Rules

**NEW SECTION**

**WAC 292-110-030 Measurable expenditure.** (1) RCW 42.52.180(1) provides that no state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Facilities of an agency include, but are not limited to, use of stationery, postage, machines and equipment, use of state employees during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) RCW 42.52.180(2) sets forth exceptions to the prohibition in RCW 42.52.180(1). The exceptions include a statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry without an actual measurable expenditure of public funds (RCW 42.52.180 (2)(b)); activities that are part of the normal and regular conduct of the office (RCW 42.52.180 (2)(c); and de minimis use of public facilities by state-wide elected officials incidental to the preparation or delivery of permissible communications initiated by the official regarding the official's views on a ballot proposition that may foreseeably affect a matter that falls within the official's constitutional or statutory responsibilities (RCW 42.52.180 (2)(d).

(3) Elected officials regularly expend public funds to respond to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions. RCW 42.52.180 (2)(b) permits elected officials to respond to such inquiries regarding ballot propositions without an actual measurable expenditure of public funds. For purposes of RCW 42.52.180 (2)(b) measurable expenditure means an expenditure or separately identifiable cost or specific portion of a cost incurred by the agency beyond the normal and regular expenditures or costs incurred by the agency in responding to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions.

Example 1: A statewide elected official conducts a press conference in state office space. During the conference the official is asked about a ballot proposition. The subject of the ballot proposition does not fall within the normal and regular conduct of the official's agency nor within the official's constitutional or statutory responsibilities. The official replies to the question explaining his or her opinion on the ballot proposition and the reason for the opinion. It is not an ethical violation to reply to such an inquiry. There is no measurable expenditure of public funds because the agency has not incurred a cost beyond the normal and regular costs incurred by the agency in responding to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions.

Example 2: A statewide elected official receives a letter from a constituent asking for the official's position on a ballot proposition. The subject of the ballot proposi-

tion does not fall within the normal and regular conduct of the official's agency nor within the official's constitutional or statutory responsibilities. The official replies by letter explaining his or her opinion on the ballot proposition and the reason for the opinion. In the course of preparing the reply the official has the assistance of staff and uses office space, equipment, stationary and postage. It is not an ethical violation to reply to such an inquiry. There is no measurable expenditure of public funds because the agency has not incurred a cost beyond the normal and regular costs incurred by the agency in responding to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions.

Example 3: A statewide elected official receives a letter from a constituent asking for the official's position on a ballot proposition. The subject of the ballot proposition does not fall within the normal and regular conduct of the official's agency nor within the official's constitutional or statutory responsibilities. The official replies by letter explaining his or her opinion on the ballot proposition and the reason for the opinion. In the course of preparing the reply the official has the assistance of staff and uses office space, equipment, stationary and postage. The official sends copies of the reply to other individuals on the agency mailing list. This is an ethical violation. While it is permissible to reply to the constituent who inquired about the official's position (Example 1), it is improper to send copies of the response to others. There is a measurable expenditure of public funds because the cost of the paper and postage for the additional copies is a separate identifiable cost beyond the normal and regular costs incurred by the agency in responding to inquiries from the media, constituents and other persons on matters unrelated to ballot propositions.

Example 4: A statewide elected official writes a letter to the editor of a newspaper stating the official's position on a ballot proposition. The subject of the ballot proposition does not fall within the normal and regular conduct of the official's agency nor within the official's constitutional or statutory responsibilities. In the course of preparing the letter the official has the assistance of staff and uses office space, equipment, stationary and postage. This is an ethical violation. The official has used the facilities of the agency and the exception in RCW 42.52.180 (2)(b) does not apply because the official is not responding to an inquiry

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.

**WSR 96-15-094**  
**PROPOSED RULES**  
**EXECUTIVE ETHICS BOARD**

[Filed July 19, 1996, 4:09 p.m.]

Original Notice.



Preproposal statement of inquiry was filed as WSR 96-06-020.

Title of Rule: Working hours.

Purpose: RCW 42.52.180(1) prohibits use of the facilities of an agency to assist a campaign for the election of a person to office or for promoting or opposing a ballot proposition. The term "facilities of an agency" includes the use of officers and employees of the agency during working hours. This rule defines the term "working hours."

Statutory Authority for Adoption: RCW 42.52.180(1), 42.52.360 (2)(b).

Statute Being Implemented: RCW 42.52.180.

Summary: This rule defines working hours for officers and employees of the executive branch of state government. For officers and employees with fixed schedules, working hours are the hours between the starting times and ending times for their positions. For officers and employees without fixed schedules, working hours are the hours set forth in the agency's policy on working hours or any work schedule approved by the agency, if it is different from the agency policy. If the agency has not adopted a policy on working hours or approved a work schedule for an officer or employee, working hours shall be 8:00 a.m. to 5:00 p.m. Monday through Friday. Working hours also includes any time the officer or employee is actually working. Working hours do not include the time approved by the agency for an officer's or employee's lunch break. Working hours do not include time in official leave status of the officer or employee has received advance written authorization for leave. State-wide elected officials are elected to office and hold office for a term of four years and until their successors are elected and qualified. These elected official do not have working hours.

RCW 42.52.360 (2)(b) requires the Executive Ethics Board to adopt a rule defining working hours. This rule addresses three general categories of officer and employee in the executive branch of state government—those with fixed schedules, those without fixed schedules and elected officials. The rule provides guidance to these officers and employees so that [they] do not engage in improper campaigning during working hours. The rule also addresses the issue of campaign activities during the lunch break and while on leave status.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Cook, P.O. Box 40100, Olympia, (360) 664-0871.

Name of Proponent: Executive Ethics Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.52.180(1) prohibits the use of facilities of an agency in a campaign for the election of a person to an office or the promotion of or opposition to a ballot proposition. RCW 42.52.180(1) includes within the definition of facilities of an agency state officers and employees during working hours. RCW 42.52.360 (2)(b) directs the Executive Ethics Board to define the term "working hours" for officers and employees in the executive branch of state government. The rule defines the term for officers and employees with fixed schedules, without fixed schedules, and elected officials. The rule also addresses leave status and lunch time.

The purpose of the rule is to provide guidance to officers and employees in the executive branch to insure that they do not engage in campaign activities during their working hours.

The anticipated effect of this rule is to clarify the times when state officers and employees of the executive branch may and may not engage in campaign activities. The rule should help ensure that no campaign is done on state time.

Proposal does not change existing rules. There is no existing rule defining working hours for officers and employees in the executive branch of government.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule defines working hours and involves the use of the facilities of an agency for political campaigns. The rule does not regulate private business. Therefore, the rule will have no economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 34.05.328(5) the Executive Ethics Board is not an agency subject to the provisions of RCW 34.05.328 (1)-(4). In addition, under RCW 34.05.328 (5)(b)(ii), these rules relate to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: Attorney General Conference Center, 4224 6th Avenue S.E., Building 1, Olympia, WA 98504-0130, on September 13, 1996, at 9 a.m.

Assistance for Persons with Disabilities: Contact Teri Metcalf by August 21, 1996, TDD (360) 586-3751.

Submit Written Comments to: Barbara Cook, Secretary, FAX (360) 664-0229, by August 16, 1996.

Date of Intended Adoption: September 13, 1996.

July 17, 1996

Barbara Cook

Secretary of the Board

EXECUTIVE ETHICS BOARD

Chapter 292-110

Agency Substantive Rules

#### NEW SECTION

**WAC 292-110-020 Working hours.** (1) RCW 42.52.180(1) provides that no state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Facilities of an agency includes use of state officers or state employees during working hours. The purpose of the rule is to define the term "working hours" for officers and employees of the executive branch of state government. The prohibition in RCW 42.52.180(1) only applies during working hours. Nothing in RCW 42.52.180(1) or this rule prohibits a state officer or state employee from assisting in a campaign during non-working hours. An officer or employee who assists in a campaign during non-working hours may not use any facilities of an agency.

(2) Some state officers and state employees occupy positions that have fixed schedules with the same beginning and ending times. For officers and employees with fixed schedules, working hours are the hours between the starting and ending times of their positions. Officers and employees



with fixed schedules may not assist in a campaign during these fixed working hours, unless they are on a lunch break under section four of this rule or on annual leave under section five of this rule.

**Example 1:** An employee works for an agency open to the public during the hours of 8:00 a.m. to 5:00 p.m. The employee is in a position with a fixed schedule of Monday through Friday 8:00 a.m. to 5:00 p.m. The employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. The employee may not assist in a campaign during these hours unless the employee is on a lunch break or on annual leave. The employee may assist in a campaign before 8:00 a.m. or after 5:00 p.m. Monday through Friday or on Saturday or Sunday.

**Example 2:** An employee works for an agency open to the public during the hours of 8:00 a.m. to 5:00 p.m. Although the agency is open during the hours 8:00 a.m. to 5:00 p.m., the employee is in a position with a fixed schedule of Monday through Thursday 3:00 p.m. through 12:00 a.m. The employee's working hours are 3:00 p.m. to 12:00 a.m. Monday through Thursday. The employee may not assist in a campaign during these hours unless the employee is on a lunch break or on annual leave. The employee may assist in a campaign before 3:00 p.m. or after 12:00 a.m. Monday through Thursday or anytime on Friday, Saturday or Sunday.

(3) Some state officers and state employees occupy positions that do not have fixed schedules with the same starting and ending times. For officers and employees who do not have fixed schedules, working hours are defined as either:

(a) the hours set forth in any policy on working hours adopted by an agency. Agencies have flexibility in determining working hours for the officers and employees to meet their unique needs so long as the time considered to be working hours is clearly established. If an agency does not adopt a working hours policy, working hours shall be 8:00 a.m. to 5:00 p.m. Monday through Friday when state agencies are generally open to the public; or

(b) the work schedule for an officer or employee approved by the agency, if it is different from the agency policy or, if the agency has not adopted a policy, 8:00 a.m. to 5:00 p.m. Monday through Friday.

**Example 3:** An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. Although the agency is open to the public at these times, the work of the agency goes on twenty-four hours a day. The agency has adopted a working hours policy that divides working hours into three shifts: the day shift (8:00 a.m. to 5:00 p.m.); swing shift (3:00 p.m. to 12:00 a.m.) and midnight shift (12:00 a.m. to 9:00 a.m.). An employee without a fixed schedule is assigned to the swing shift (3:00 p.m. to 12:00 a.m.) Monday through Friday. Since the employee does not have a fixed schedule, the employee sometimes comes to

work before 3:00 p.m. and sometimes after 3:00 p.m. Similarly, the employee may leave work before or after 12:00 a.m. This employee's working hours are 3:00 p.m. to 12:00 a.m. Monday through Friday. The employee may not assist in a campaign during these hours unless the employee is on a lunch break or on annual leave. The employee may assist in a campaign before 3:00 p.m. or after 12:00 a.m. Monday through Friday or on Saturday or Sunday.

**Example 4:** An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. The agency has not adopted a policy on working hours. An employee without a fixed schedule usually works 8:00 a.m. to 5:00 p.m. Since the employee does not have a fixed schedule, the employee sometimes comes to work before 8:00 a.m. and sometimes after 8:00 a.m. Similarly, the employee may leave work before or after 5:00 p.m. Since the agency has not adopted a policy on working hours, this employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. The employee may not assist in a campaign during these hours unless the employee is on a lunch break or on annual leave. The employee may assist in a campaign before 8:00 a.m. or after 5:00 p.m. Monday through Friday, or on Saturday or Sunday.

**Example 5:** An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. Although the agency is open to the public at these times, the work of the agency goes on twenty-four hours a day. The agency has adopted a working hours policy that divides working hours into three shifts: the day shift (8:00 a.m. to 5:00 p.m.); swing shift (3:00 p.m. to 12:00 a.m.) and midnight shift (12:00 a.m. to 9:00 a.m.). An employee without a fixed schedule is assigned to the day shift (8:00 a.m. to 5:00 p.m.) Monday through Friday. However, the agency has approved a different work schedule for this employee. Instead of the usual day shift of 8:00 a.m. to 5:00 p.m., the employee works 7:00 a.m. to 4:00 p.m. Since the employee does not have a fixed schedule the employee, sometimes comes to work before 7:00 a.m. and sometimes after 7:00 a.m. Similarly, the employee may leave work before or after 4:00 p.m. This employee's working hours are 7:00 a.m. to 4:00 p.m. Monday through Friday. The employee may not assist in a campaign during these hours unless the employee is on a lunch break or on annual leave. The employee may assist in a campaign before 7:00 a.m. or after 4:00 p.m. Monday through Friday, or on Saturday or Sunday.

(4) Working hours do not include the time approved and designated for an officer's or employee's lunch break. A lunch break is between 12:00 p.m. and 1:00 p.m., unless the agency has designated a different time in a working hours policy or has approved a different lunch break as part of an officer's or employee's work schedule. If an officer or

PROPOSED

employee engages in campaign activity during the lunch break, the officer or employee may not make use of any of the facilities of the agency.

Example 6: An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. The agency has not adopted a policy on working hours. An employee without a fixed schedule usually works 8:00 a.m. to 5:00 p.m. Since the employee does not have a fixed schedule, the employee sometimes comes to work before 8:00 a.m. and sometimes after 8:00 a.m. Similarly, the employee may leave work before or after 5:00 p.m. Since the agency has not adopted a policy on working hours, this employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday with a lunch break between 12:00 p.m. and 1:00 p.m. The employee may assist in a campaign during the employee's lunch break between 12:00 p.m. and 1:00 p.m.

(5) Working hours do not include the time in official leave status if the leave has received advance written authorization. An officer or employee on leave may assist in a campaign.

Example 7: An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. The agency has not adopted a policy on working hours. An employee without a fixed schedule usually works 8:00 a.m. to 5:00 p.m. Since the employee does not have a fixed schedule, the employee sometimes comes to work before 8:00 a.m. and sometimes after 8:00 a.m. Similarly, the employee may leave work before or after 5:00 p.m. Since the agency has not adopted a policy on working hours, this employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. On Friday the employee receives advance written authorization to be on leave for five days, Monday through Friday of the next week. The employee may assist in a campaign during this leave.

Example 8: An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. The agency has not adopted a policy on working hours. An employee without a fixed schedule usually works 8:00 a.m. to 5:00 p.m. Since the employee does not have a fixed schedule the employee sometimes comes to work before 8:00 a.m. and sometimes after 8:00 a.m. Similarly, the employee may leave work before or after 5:00 p.m. Since the agency has not adopted a policy on working hours, this employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. In this agency employees without fixed schedules take leave during a month and then get written authorization for the leave at the end of the month. An employee takes leave Monday through Friday and assists in a campaign. At the end of the month the employee obtains written authorization for the leave. The employee has assisted in a campaign during working hours since the employee did not obtain written authorization prior to taking leave to

assist in a campaign. To assist in a campaign while on leave, the employee must obtain written authorization prior to going on leave.

(6) The definition of working hours also includes any time an officer or employee is actually working. For an officer or employee with a fixed schedule, working hours includes overtime when the officer or employee is working additional hours other than those in the fixed schedule. For an officer or employee without a fixed schedule, working hours include any time the officer or employee is working.

Example 9: An employee works for an agency that is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday. The agency has not adopted a policy on working hours. An employee without a fixed schedule usually works 8:00 a.m. to 5:00 p.m. Since the employee does not have a fixed schedule, the employee sometimes comes to work before 8:00 a.m. and sometimes after 8:00 a.m. Similarly, the employee may leave work before or after 5:00 p.m. Since the agency has not adopted a policy on working hours, this employee's working hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. On a Monday the employee works from 8:00 a.m. to 9:00 p.m. Even though the employees working hours are 8:00 to 5:00 the time spent working between 5:00 p.m. and 9:00 p.m. are working hours because the employee is working for the agency during this time.

(7) The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and the insurance commissioner are state officers in the executive branch subject to RCW 42.52.180. These officers are elected to office and hold office for a term of four years and until their successors are elected and qualified. Since these officers are elected to a term of office, they do not have working hours and may assist in a campaign at any time. However, if these officers do assist in a campaign, they may not make use of any facilities of an agency except as provided in RCW 42.52.180(2).

**WSR 96-15-095**  
**PROPOSED RULES**  
**EXECUTIVE ETHICS BOARD**  
[Filed July 19, 1996, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-019.

Title of Rule: Procedural rules.

Purpose: To implement chapter 42.52 RCW and replace temporary emergency rules.

Statutory Authority for Adoption: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Statute Being Implemented: Chapter 42.52 RCW.

Summary: Establishes rules regarding the filing, processing, investigating and determining complaints, and imposing sanctions for violations of chapter 42.52 RCW by

PROPOSED

state officials and employees of the executive branch of government.

**Reasons Supporting Proposal:** The proposed rules present guidance and clarification on procedures used by the Executive Ethics Board in consideration of complaints and imposing sanctions for violations of chapter 42.52 RCW.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Barbara Cook, P.O. Box 40100, Olympia, (360) 664-0871.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The Executive Ethics Board is responsible for enforcing chapter 42.52 RCW, with regard to officers and employees in the executive branch of state government. RCW 42.52.410(1) provides that a person may file a complaint with the board alleging a violation of chapter 42.52 RCW. These rules set out the procedure for filing such a complaint and the procedural steps to be followed in deciding if there is a violation. These steps include investigating the complaint, determining if there is reasonable cause to believe a violation has been committed, scheduling and conducting a public hearing on the complaint. There are also procedural rules governing discovery, subpoenas, and production of documents.

The anticipated effect of these rules is clarify the procedure for filing and determining complaints that there has been a violation of chapter 42.52 RCW.

Proposal does not change existing rules. The Executive Ethics Board has not adopted procedural rules.

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

These rules set out the procedure for filing and determining a complaint that officers and employees of the executive branch of state government have violated chapter 42.52 RCW. The rules do not regulate private business. Therefore, the rules will have no economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 34.05.328(5) the Executive Ethics Board is not an agency subject to the provisions of RCW 34.05.328 (1)-(4). In addition, under RCW 34.05.328 (5)(b)(ii), these rules relate to internal governmental operations that are not subject to violation by a nongovernmental party.

**Hearing Location:** Attorney General Conference Center, 4224 6th Avenue S.E., Building 1, Olympia, WA 98504-0130, on September 13, 1996, at 9 a.m.

**Assistance for Persons with Disabilities:** Contact Teri Metcalf by August 21, 1996, TDD (360) 586-3751.

**Submit Written Comments to:** Barbara Cook, Secretary, FAX (360) 664-0229, by August 16, 1996.

**Date of Intended Adoption:** September 13, 1996.

July 17, 1996  
Barbara Cook  
Secretary of the Board

CHAPTER 292-100 WAC  
EXECUTIVE ETHICS BOARD  
PROCEDURAL RULES

NEW SECTION

**WAC 292-100-010 Initiation of complaint.** (1) A complaint alleging a violation of chapter 42.52 RCW may be filed by:

- (a) Any person;
- (b) The board;

(c) A board member, who shall then be disqualified from participating in the decision on reasonable cause or any public hearing that may arise from the complaint;

(2) Other agencies may refer information about possible violations of chapter 42.52 RCW to the board for consideration. The board will file a complaint if appropriate.

NEW SECTION

**WAC 292-100-020 Complaint procedures—Status of complainant and others.** (1) When a complaint has been filed with the board, neither the complainant, if other than board staff, nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the board. The staff shall give notice to the complainant of any open board hearings on the matter.

(2) The person or persons alleged in a complaint to have violated chapter 42.52 RCW, are respondents as to that complaint.

NEW SECTION

**WAC 292-100-030 Procedures for filing complaints.** (1) A complaint filed with the board shall be in writing on a form provided by the board and signed by the complainant. A complaint signed by the complainant may also be filed by the complainant's representative.

(2) A complaint shall include:

(a) the complainant's name; except that the board may choose to issue a complaint based upon information provided by a person who refuses to be identified;

(b) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; and

(c) All available documentation and other evidence including any witnesses to the violation which the complainant is able to supply to demonstrate a reason for believing that a violation of chapter 42.52 RCW, or the rules adopted under it has occurred.

(3) A complaint which is incomplete, does not contain enough information to allege a violation of chapter 42.52 RCW, or alleges matters outside the jurisdiction of the executive ethics board will not be accepted for filing.

NEW SECTION

**WAC 292-100-040 Investigation of complaints.** (1) Upon acceptance of a complaint the board staff shall conduct an investigation.

(2) If board staff determine that a complaint alleges conduct which may violate a criminal statute, the staff shall refer the complaint to the appropriate prosecuting attorney and shall suspend their investigation until the prosecuting attorney responds as to whether criminal charges will be filed. If the prosecuting attorney elects to file criminal charges, no further action will be taken while the criminal

case is pending. If the prosecuting attorney elects not to file criminal charges, board staff shall complete their investigation and follow the procedures set forth in these rules.

(3) If after beginning the investigation of a complaint, board staff determines that a complete and thorough investigation will require the expenditure of substantial resources, the board staff may request review and concurrence by the board before continuing the investigation.

(4) During the course of the investigation, the board staff shall contact the respondent(s) and provide the respondent(s) with a copy of the complaint.

(5) The board may refer a complaint to another agency for investigation and recommendation of resolution. The referral will include a copy of the complaint and all supporting documentation and shall include a date for submission of the report and recommendation allowing at least 30 days. The agency receiving the referral may request additional time, if needed. During the course of the agency's investigation, the agency shall contact the respondent and provide the respondent with a copy of the complaint.

#### NEW SECTION

**WAC 292-100-050 Determination on reasonable cause.** (1) Following the investigation, the board staff shall prepare a written investigation report and make a recommendation to the board on whether to find reasonable cause, including a recommendation as to whether the penalty may be greater than \$500.

(2) Upon receipt of the board staff's investigation report and recommendation, the board shall determine whether or not there is reasonable cause to believe that a violation of chapter 42.52 RCW has occurred.

(3) The board's reasonable cause determination shall be done in closed session.

(4) If the board finds reasonable cause, the board shall consider whether the penalty for the alleged violation may be greater than \$500. If the board may wish to impose a penalty greater than \$500, the respondent may be given the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. If the respondent is not given that option, the board may not impose a penalty greater than \$500. The board may, on its own initiative, choose to retain an administrative law judge to conduct any hearing.

(5) Upon receipt of an investigation report and recommendation on a complaint referred to another agency for investigation, the board shall either:

(a) reject the report and recommendation and initiate its own investigation; or

(b) concur with the report and recommendation and either initiate a hearing if the recommended penalty is a monetary fine or refer the matter back to the referral agency for implementation of the recommendation, if the recommended penalty involves disciplinary action.

#### NEW SECTION

**WAC 292-100-060 Notice of hearing—Filing of answer.** (1) Following the board's determination on reasonable cause, the board shall provide the complainant and the respondent with a copy of the written determination on reasonable cause and with a copy of the board staff's

written investigation report. If reasonable cause is found, the determination of reasonable cause shall include a statement of the alleged violations. Prior to scheduling a public hearing, the board shall provide the respondent with an explanation of the option to request that the hearing be conducted by an administrative law judge if the penalty for the alleged violation may be greater than \$500.

(2) Within 30 days of the issuance of the written determination on reasonable cause, the respondent shall file an answer which shall state his/her response to the alleged violations. The answer shall include either a request for or a waiver of the right to request an administrative law judge if the penalty for the alleged violation may be greater than \$500.

(3) The respondent shall be notified of the date of the hearing no later than 30 days before the hearing date.

#### NEW SECTION

**WAC 292-100-070 Investigation materials not disclosable during investigation.** (1) It is the policy of the board during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). The investigation is not considered complete until the board has made its reasonable cause determination. If a public records request is made following the reasonable cause determination for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

#### NEW SECTION

**WAC 292-100-080 Investigation procedures - Subpoenas.** (1) During the course of an investigation, the board, or any board member, may issue a subpoena directed to any person who probably possesses information which is relevant and material to the investigation. The subpoena shall:

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the board will apply to the superior court for an appropriate order or other remedy. The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The board may issue a subpoena under RCW 42.52.390 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the board deems relevant and material.

#### NEW SECTION

**WAC 292-100-090 Informal settlement—Cases resolvable by stipulation.** (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute

resolution that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any respondent may request settlement by notifying the secretary of the board who shall refer them to the board staff working on the case.

(b) If settlement may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible time. Settlement may be concluded by:

(i) Stipulation of facts by the parties; or

(ii) Stipulation of facts, conclusions and penalty by the parties.

(c) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The stipulation shall be recited on the record at the hearing. The board has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the board accepts the stipulation or modifies the stipulation with the agreement of the respondent, the board shall enter an order in conformity with the terms of the stipulation. If the board rejects the stipulation or the respondent does not agree to the board's proposed modifications to the stipulation, the normal process will continue. If the board requests additional facts be presented, the matter shall be referred to the board staff for further investigation.

#### NEW SECTION

**WAC 292-100-100 Conduct of hearings.** (1) A hearing shall be conducted pursuant to the Administrative Procedures Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC), shall be followed unless modified by chapter 292-100 WAC.

(2) A hearing shall be conducted either by the board or by an administrative law judge. If an administrative law judge participates, either by request of a respondent or by request of the board, the board may choose to sit with the administrative law judge to hear the matter and to enter a final order at the conclusions of the proceedings; or to have the administrative law judge hear the matter alone and prepare an initial order for review by the board. If an administrative law judge sits with the board, he or she shall rule on procedural and evidentiary matters.

(3) After the hearing the board or administrative law judge may find that:

(a) Respondent(s) did not violate the act, as alleged, and dismiss the case; or

(b) Respondent(s) is (are) in apparent violation of chapter 42.52 RCW, the board's remedy would be inadequate and the matter should be referred to the appropriate law enforcement agency as provided in RCW 42.52.470.

(4) Following a hearing in which the board participates, the board

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall deliver, either in person or by mail, to each respondent a copy of the findings of fact, conclusions of law and decision.

(5) Following a hearing in which the board does not participate, the administrative law judge shall

(a) Set forth in writing his findings of fact, conclusions of law and decision on the merits of the case in an initial order;

(b) Shall deliver, either in person or by mail to each respondent and board staff a copy of the findings of fact, conclusions of law and decision, including a statement of the right to request review of the initial order by the board.

(c) If neither the board staff nor the respondent files exceptions to the initial order within 20 days, the board may adopt the initial order as the final order of the board.

(d) Within 20 days of entry of the initial order, either the board staff or the respondent may file written exceptions to the initial order. Such exceptions shall be filed with the secretary to the board and served on all other parties. The board shall set a date for submission of written argument on the exceptions and shall notify the board staff and the respondent in writing.

(e) The board shall review the initial order, any exceptions and argument filed and shall issue a final order which shall be delivered, either in person or by mail, to the board staff and the respondent.

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

#### NEW SECTION

##### **WAC 292-100-110 Prehearing conference—Rule.**

(1) In any proceeding, the board chair or an administrative law judge upon his/her own motion or upon request by staff or the respondent or their qualified representative, may direct the staff or respondent to appear at a specified time and place for a conference to consider:

(a) Simplification of issues;

(b) The necessity of amendments to the hearing notice;

(c) The possibility of obtaining stipulations, admissions of facts and of documents;

(d) Limitation on the number of witnesses; and

(e) Procedural and such other matters as may aid in the disposition of the proceeding.

(2) Prehearing conferences may be presided over by the chair or an administrative law judge.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference. If no objection to the order is filed with the presiding officer within seven days after the date the order is mailed, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

#### NEW SECTION

##### **WAC 292-100-120 Hearings—Discovery—**

**Subpoenas.** (1) The board or a board member may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material and the board or presiding officer may issue protective orders as appropriate. Any

party may issue subpoenas. All subpoenas must be filed with the board, together with proof of proper service, at least five days prior to the date of the hearing for which they are issued. Such subpoenas will issue and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120.

(2) The board, upon motion and before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

#### NEW SECTION

**WAC 292-100-130 Hearings—Discovery—Depositions and interrogatories—Right to take.** Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas, except that staff and the respondent may stipulate to other arrangements.

#### NEW SECTION

**WAC 292-100-140 Hearings—Discovery—Depositions and interrogatories—Notice.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than seven days in writing to the board and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the board or its hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

#### NEW SECTION

**WAC 292-100-150 Depositions and interrogatories in hearings—Protection of parties and deponents.** After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or its designated hearing officer may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the board may make any other order which

justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

#### NEW SECTION

**WAC 292-100-160 Discovery—Production of documents and use at hearing.** (1) Upon request by either the board or the staff or the respondent copies of all materials to be presented at the hearing shall be provided to the requester within seven days of the request but, for good cause shown, not less than three business days prior to the date of the hearing.

(2) When documents are to be offered into evidence at the hearing, the one offering the exhibit shall provide a minimum of seven copies, one for opposing party, one for each member of the board, and one for the board's legal advisor.

(3) If documentary evidence has not been exchanged prior to the hearing, the parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced.

#### NEW SECTION

**WAC 292-100-170 Brief enforcement hearings—Authority.** (1) The board may provide a brief enforcement hearing for violations of provisions in chapter 42.52 RCW in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations.

#### NEW SECTION

**WAC 292-100-180 Brief enforcement hearing—Procedure.** (1) A brief enforcement hearing may be presided over by the chair, or a member of the board designated by the chair.

(2) When a violation is alleged, before taking action, the secretary of the board shall send the alleged violator notice, which shall include:

(a) Alleged violation;

(b) The maximum amount of the penalty which can be imposed at the hearing and the amount of any proposed fine; and

(c) Person's right to respond, within ten days, either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall

immediately adjourn the hearing and direct the matter be scheduled for an enforcement hearing by the full board or an administrative law judge.

(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed and their right to request review by the board at the next scheduled board meeting.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

#### NEW SECTION

**WAC 292-100-190 Brief enforcement hearing—Administrative review procedures.** (1) The board shall conduct a review of the initial order upon the written or oral request of a party if the board receives the request within twenty-one days after the service of the initial order.

(2) If the parties have not requested review, the board may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that judicial review is available. The order on review shall be entered within twenty-one days after the date of the initial order or of the request for review, whichever is later.

#### NEW SECTION

**WAC 292-100-200 Reconsideration and review of decisions.** (1) For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the board which is reviewable by a court.

(2) A decision may be reconsidered only upon (a) the written request of a party or (b) the motion or written request of a board member who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration shall be served at the office of the board, or motion made, no later than ten days after service of the decision of which reconsideration is sought.

(4) A request or motion for reconsideration shall specify the grounds therefor.

(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The board may not reconsider any decision after being served with a petition for judicial review.

(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the board has acted on the reconsideration.

(7) The board shall act on the reconsideration, at the next meeting at which it practicably may do so by: (a) Deciding whether to reconsider its decision, and (b) if it decides to do so, either affirming or amending its decision: Provided, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice

and an opportunity to be heard if, and in the same manner, as required for the original decision.

**WSR 96-15-108  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION**

[Filed July 22, 1996, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-079.

Title of Rule: Easement, franchise, license and special use permit applications and fees.

Purpose: To amend existing rule to delete a single fixed application fee, provide for the commission to adopt a schedule of fees, and to add "processing" and "use" fees to those to which this rule applies.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: Chapter 43.51 RCW, Parks and Recreation Commission.

Summary: Provides for parties seeking commission consideration of requests for easements, franchises, licenses or special use permits to submit applications with appropriate fees, to be assessed processing and use fee, appraisal, appraisal review and survey costs as determined by the commission, director or designee.

Reasons Supporting Proposal: To provide greater flexibility to the commission in setting and adjusting, from time to time, such fees and costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William C. Jolly, 7150 Cleanwater Lane, Olympia, WA 98504, (360) 902-8641.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The present rule provides that parties desiring commission consideration of requests for an easement, franchise, license or special use permit apply on a form provided by the director. Such applications, other than from a government agency, must be accompanied by a nonrefundable application fee of one hundred dollars.

The amended rule removes the fixed application fee and provides for the commission to adopt a fee schedule applying to application fees, processing fees, and use fees.

The purpose is to provide flexibility in determining and collecting such fees without amending this WAC each time. It also allows the public to recoup some of the staff costs in processing such requests. The effects are greater administrative and managerial flexibility and some capacity for agency compensation for staff processing time.

Proposal Changes the Following Existing Rules: See above. Replaces a fixed application fee with a schedule of fees as adopted by the commission.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required under chapter 19.85 RCW.

PROPOSED



Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: The Inn at Friday Harbor, Conference Room, 410 Spring Street, Friday Harbor, WA 98250, on September 6, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Allison Alderman by August 23, 1996, TDD (360) 428-1028, or (360) 428-1550.

Submit Written Comments to: FAX (360) 428-1094, by August 26, 1996.

Date of Intended Adoption: September 6, 1996.

July 22, 1996  
Sharon Howdeshell  
Office Manager

AMENDATORY SECTION (Amending Order 81, filed 10/2/84)

**WAC 352-32-300 Easement, franchise, license, and special use permit applications and fees.** (1) A party that desires to have a request for an easement, franchise, license, or special use permit considered by the commission shall submit an application on a form provided by the director to the:

Washington State Parks and  
Recreation Commission  
7150 Cleanwater Lane KY-11  
Olympia, WA 98504

Each application from a party other than a government agency shall be accompanied by a nonrefundable application fee (~~(of one hundred dollars)~~) according to a schedule adopted by the commission.

A party shall pay the commission processing and use fees as apply according to a schedule adopted by the commission.

A party shall pay the commission for any appraisal, appraisal review, and survey costs incurred by the commission during the consideration of an application for an easement, franchise, license, or special use permit. The amount of any appraisal, appraisal review, and survey costs shall be determined by the director or the designee of the director.

An application fee and any processing fees, use fees, and appraisal, appraisal review, and survey payments shall be submitted to the commission at the address listed above and shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) The application fee, processing fee, use fee, and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or the designee of the director when the director or the designee determines that the action authorized by an easement, franchise, license, or special use permit will be of benefit to the general public, if approved by the commission.

**WSR 96-15-113**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed July 23, 1996, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-140.

Title of Rule: Chapter 392-196 WAC, School personnel teacher assistance program (TAP).

Purpose: The amendments to this chapter will make the rules consistent with legislation.

Statutory Authority for Adoption: RCW 28A.415.250.

Statute Being Implemented: RCW 28A.415.250 and 28A.415.010.

Summary: One amendment states that school districts may administer the teacher assistance program. The other indicates that state moneys for TAP will be allocated directly to school districts that are administering their own programs or to educational service districts for the programs administered by the ESD.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: Joanne Sorensen, Office of Superintendent of Public Instruction, Olympia, (360) 586-2320; and Enforcement: Theodore Andrews, Office of Superintendent of Public Instruction, Olympia, (360) 753-3222.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 28, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 14, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 27, 1996.

Date of Intended Adoption: August 29, 1996.

July 19, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 94-16-019, filed 7/22/94, effective 8/22/94)

**WAC 392-196-086 Coordination.** A school district may coordinate and administer its own program or, if requested by member school districts, each ESD ((shall))



may coordinate the teacher assistance program for the requesting school districts within its region, pursuant to RCW 28A.415.010 and the Washington state operating budget.

**AMENDATORY SECTION** (Amending WSR 94-16-019, filed 7/22/94, effective 8/22/94)

**WAC 392-196-100 Distribution of state moneys for the teacher assistance program.** ~~((The superintendent of public instruction shall issue grant awards to the educational service districts. The ESD shall, in turn, provide funds to the school districts which participate in the program.))~~ One of two options shall be used for the distribution of state moneys for the teacher assistance program:

(1) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds directly to those school districts administering their own programs; or

(2) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds to the educational service district for those school districts that have requested program coordination by the educational service district pursuant to WAC 392-196-086.

**WSR 96-15-114**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed July 23, 1996, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-22-033.

Title of Rule: Chapter 392-140 WAC, Finance—Special allocations—Allocations of special education safety net funding.

Purpose: To establish procedures and standards for the allocation of safety net funding for special education programs for the 1995-97 biennium.

Statutory Authority for Adoption: RCW 28A.150.290 and chapter 18, Laws of 1995 2nd sp. sess.

Statute Being Implemented: Chapter 18, Laws of 1995 2nd sp. sess. as modified by chapter 283, Laws of 1996.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Doug Gill, Superintendent of Public Instruction, Olympia, 753-6733; and Enforcement: John Pearson, Superintendent of Public Instruction, Olympia, 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules establish procedures and standards for 1995-97 biennium special education safety net funding appropriated by the state legislature as modified during the 1996 session.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 28, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 14, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 27, 1996.

Date of Intended Adoption: August 29, 1996.

July 19, 1996

Judith A. Billings  
 Superintendent of  
 Public Instruction

**NEW SECTION**

**WAC 392-140-073 Prior school year.** As used in this chapter, "prior school year" means the school year immediately preceding the school year for which calculations are being made pursuant to this chapter.

**NEW SECTION**

**WAC 392-140-600 Special education safety net—Applicable provisions.** The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of state special education moneys and Individuals with Disabilities Education Act (IDEA) federal discretionary moneys for the 1996-97 school year.

**NEW SECTION**

**WAC 392-140-601 Special education safety net—Authority.** The authority for WAC 392-140-600 through 392-140-685 is:

(1) Section 508 of the 1995-97 Biennial Operating Appropriations Act; and

(2) RCW 28A.150.290(1).

**NEW SECTION**

**WAC 392-140-602 Special education safety net—Eligible applicants.** An individual school district of the state of Washington is eligible to apply for special education safety net moneys on behalf of its resident students. Resident students include those defined as resident pursuant to WAC 392-137-115, those enrolled through choice (RCW 28A.225.225) and those from nonhigh districts (RCW 28A.225.210). Resident students exclude those residing in another district and enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

**NEW SECTION**

**WAC 392-140-605 Special education safety net—Safety net application—Basis, certification, worksheets.** Application for safety net funding shall be made on Form

PROPOSED

SPI 1381 published each year of the biennium by the superintendent of public instruction as follows:

(1) School districts may make application for safety net funding on the basis of one or more of the following:

(a) Maintenance of effort (state revenue only) (MOESR). State safety net funding may be requested when a district shows a maintenance of effort (state revenue only) loss calculated by the superintendent of public instruction pursuant to WAC 392-140-620.

(b) Special characteristics and costs. State safety net funding may be requested by a school district with special education costs of providing services that are reasonable, but differ significantly from the assumptions contained in the state special education funding formula provided that the applicant school district meets the standards of WAC 392-140-613 and can demonstrate, pursuant to WAC 392-140-625 either of the following:

(i) The district's actual resident special education enrollment exceeds the district's funded resident special education enrollment, the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or ineffective enrollment practices, and all available funding, including state, federal, and local if provided in the past, is insufficient to meet the expenditure level necessary for special education; or

(ii) The district's resident special education enrollment percentage is equal to the funded special education enrollment percentage and the district has incurred an adverse change in the demographics of its resident special education enrollment since the prior school year, and all available funding, including state, federal, and local if provided in the past, is insufficient to meet the expenditure level necessary for special education.

(c) High-cost individual student. A school district may submit not more than three applications in a school year for federal safety net funding for high-cost individual students meeting the standards in WAC 392-140-616.

(2) The school district making application for safety net funding shall certify that:

(a) The application complies with the respective safety net application standards of WAC 392-140-610, 392-140-613, or 392-140-616;

(b) The application provides true and complete information to the best of the school district's knowledge; and

(c) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, state safety net funding must be expended in program 21 which impacts the amount that must be maintained for the federal maintenance of effort test, and federal safety net funding must be expended in program 24.

(3) Worksheets included with the application shall demonstrate the need for safety net funding. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

(a) Maintenance of effort (state revenue only) applications pursuant to subsection (1)(a) of this section do not require any worksheets.

(b) Special characteristics and costs applications pursuant to subsection (1)(b) of this section require comple-

tion of the narrative and worksheets described in WAC 392-140-625.

(c) High-cost individual student applications shall include completed budget forms SPI F-1000B and SPI E-795B, and worksheets A, B, and C published in the safety net application.

#### NEW SECTION

**WAC 392-140-608 Special education safety net—Safety net application—Timing.** Safety net applications shall be submitted and reviewed during the school year pursuant to the dates published by the superintendent of public instruction. No applications for the school year will be accepted after the final application due date.

#### NEW SECTION

**WAC 392-140-609 Special education safety net—Standard—Appropriate and properly and efficiently prepared and formulated IEPs.** Individualized education programs (IEPs) which are appropriate, properly and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The amount of specially designed instruction complies with state standards (regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) Present levels of student performance conform with areas of need identified in the students evaluation made pursuant to WAC 392-172-152.

(4) The state oversight committee determines:

(a) There are no unresolved state audit examination findings related to special education which are material in nature;

(b) There are no unresolved state child count verification findings which are material in nature; and

(c) All corrections to state enrollment reporting, required for resolution of subsection (4)(a) and (b) of this section, are completed.

#### NEW SECTION

**WAC 392-140-610 Special education safety net—Standards—Maintenance of effort (state revenue only) applications.** For districts requesting safety net funding due to maintenance of effort (state revenue only) (MOESR), the district shall demonstrate at a minimum that:

(1) IEPs are appropriate and are properly and efficiently prepared and formulated.

(2) The district is making a reasonable effort to provide appropriate program services for students in need of special education utilizing state funding generated by the basic education apportionment and special education funding formulas.

#### NEW SECTION

**WAC 392-140-613 Special education safety net—Standards—Special characteristics and costs applications.** For a school district requesting state safety net funding due to special enrollment characteristics of the district and costs

of providing services which differ significantly from the assumptions contained in the state special education funding formula, the district shall demonstrate at a minimum that:

(1) IEPs are appropriate and are properly and efficiently prepared and formulated.

(2) The district is making reasonable effort to provide appropriate services for students in need of special education utilizing state funding generated by the basic education apportionment and special education funding formulas.

(3) The district's special education services are operated in a reasonably efficient manner and the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices.

(4) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for the federal special education program.

(5) Any available federal funding is insufficient to address the additional needs.

(6) The costs of any supplemental contracts are not included for purposes of determining safety net allocations. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP.

(7) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

#### NEW SECTION

**WAC 392-140-616 Special education safety net—Standards—High-cost individual student applications.** For districts requesting safety net funding to meet the extraordinary needs of an eligible high-cost individual special education student, the district shall demonstrate at a minimum that:

(1) The IEP for the eligible special education student is appropriate, and properly and efficiently prepared and formulated.

(2) All of the following criteria apply to the high-cost individual student:

(a) Costs eligible for safety net consideration must be direct expenditures for services required in the IEP.

(b) In order to deliver appropriate special education to the student, the district must be providing services which incur additional costs which exceed available district annual average per-pupil revenues, including state, federal and local revenues, by seven thousand dollars. This threshold amount shall be adjusted downward by the portion of the year for which the individual student was actually enrolled. For example, for a student served and reported for only one-half the year, the threshold amount shall be reduced by one-half.

(c) The total cost of educational services must exceed the sum of any maintenance of effort (state revenue only) gain calculated pursuant to WAC 392-140-620 and any carryover of federal flow-through special education funding as of August 31 of the prior school year.

(d) The cost of providing special education services, as directed in the IEP, for this student would be detrimental to the school district's ability to provide necessary services to the other students being provided special education in the district.

#### NEW SECTION

**WAC 392-140-620 Special education safety net—Calculation of maintenance of effort (state revenue only).** Maintenance of effort (state revenue only) (MOESR) is calculated by the superintendent of public instruction using the process below. Results show either a loss, a gain, or zero (0).

(1) Determine the portion of state special education revenue provided in excess of basic education backout revenue for resident special education enrollment in 1994-95. Basic education backout is calculated pursuant to WAC 392-122-131 and was published by the superintendent of public instruction on June 30, 1995.

(2) Divide the result in subsection (1) of this section by the 1994-95 resident special education enrollment.

(3) Determine the state special education revenue provided for the resident special education enrollment in the current school year.

(4) Determine the funded resident special education enrollment pursuant to WAC 392-122-165 in the current school year.

(5) Divide the state revenue in subsection (3) of this section by the funded resident special education enrollment in subsection (4) of this section.

(6) Determine the aggregate basis difference in state special education revenue by subtracting the 1994-95 amount in subsection (1) of this section from the amount in subsection (3) of this section. If the absolute value of this amount is less than one thousand dollars, the aggregate basis difference shall be rounded to zero (0).

(7) Determine the per-pupil basis difference in state special education revenue by subtracting the 1994-95 result in subsection (2) of this section from the result in subsection (5) of this section and further multiplying this difference by the funded resident special education enrollment in subsection (4) of this section. If the absolute value of this amount is less than one thousand dollars, the per-pupil basis difference shall be rounded to zero (0).

(8) Determine the maintenance of effort (state revenue only) by comparing the aggregate basis difference from subsection (6) of this section and the per-pupil basis difference from subsection (7) of this section as follows:

(a) When the mathematical sign of both amounts is negative, the maintenance of effort (state revenue only) loss is determined as the amount nearer to zero (0).

(b) When the mathematical sign of both amounts is positive, the maintenance of effort (state revenue only) gain is determined as the amount nearer to zero (0).

(c) When the mathematical signs of the amounts are opposite, or either one of the amounts is zero (0), the maintenance of effort (state revenue only) gain and loss are zero (0).

#### NEW SECTION

**WAC 392-140-625 Special education safety net—Demonstration of special characteristics and costs.** Special characteristics and costs applications pursuant to WAC 392-140-605 (1)(b) must demonstrate adverse impacts. Instructions to the application narrative and worksheets shall be published by the superintendent of public instruction with the safety net application.

(1) Adverse enrollment impacts shall be demonstrated as follows:

(a) Applications from districts with actual enrollment greater than funded enrollment pursuant to WAC 392-140-605 (1)(b)(i) must demonstrate, through the application narrative, that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or ineffective enrollment practices.

(b) Applications from districts with actual enrollment equal to funded enrollment pursuant to WAC 392-140-605 (1)(b)(ii) must demonstrate, through the application narrative and on application worksheet A, an adverse change in resident special education enrollment characteristics since the previous school year.

(i) The application narrative completed by the school district shall provide any information and explanations related to special enrollment characteristics as required in the published instructions.

(ii) Application worksheet A shall use enrollments reported by and/or for the district to the superintendent of public instruction and published by the superintendent of public instruction for this purpose and shall measure the resident special education enrollment difference by disability category. Differences shall be expressed as a headcount difference and as a percent of the district's current school year annual average full-time equivalent resident basic education enrollment calculated pursuant to WAC 392-121-133.

(2) Cost differences between the current and prior school years resulting from the adverse enrollment impacts demonstrated pursuant to subsection (1) of this section shall be demonstrated in the application narrative. The application narrative shall detail cost differences in services to students which occurred between the current school year and the prior school year. Such details shall include costs and savings associated with each change in services.

(3) A fiscal need shall be demonstrated through the application narrative, on application worksheet B, and other information available to the state oversight committee. Fiscal need shall be demonstrated as follows:

(a) The application narrative shall be completed by the school district and provide information and explanations related to fiscal need pursuant to the published instructions.

(b) Application worksheet B shall be completed by the school district and shall demonstrate a fiscal need in excess of the sum of:

(i) All current school year safety net awards to the district for maintenance of effort (state revenue only) or special characteristics and costs;

(ii) Any maintenance of effort (state revenue only) gain as calculated pursuant to WAC 392-140-620;

(iii) Any previous high cost individual safety net awards for the current school year; and

(iv) All other available revenue for special education including all carryover of federal special education revenue.

(4) The school district shall provide additional information as requested by the state oversight committee.

#### NEW SECTION

**WAC 392-140-640 Special education safety net—Definition—State oversight committee—Membership, structure.** Membership of the state oversight committee shall consist of: Staff of the office of superintendent of public instruction, staff of the office of state auditor, staff of the office of financial management, one or more representatives from a school district(s) and one or more representatives from an educational service district.

(1) The state oversight committee members will be appointed by the office of superintendent of public instruction.

(2) The state director of special education shall serve as an ex officio, nonvoting committee member and act as the state oversight committee manager.

(3) Members of the state oversight committee from school districts and/or educational service districts will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of district(s) served, and other demographic considerations which will guarantee a representative state committee.

(4) Alternate members shall be appointed. In the event a member is unable to attend a committee meeting, an alternate member shall attend.

(5) Membership appointments shall be made for a period of one year. The oversight committee manager may replace a portion of the committee each year in order to enhance representation.

#### NEW SECTION

**WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures.** (1) The state oversight committee will review applications as deemed necessary by the superintendent of public instruction during the school year pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. If applications are not complete, they will be returned to the submitting school district.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall question and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide additional information.

(7) Committee members will individually indicate their agreement or disagreement with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary

for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

#### NEW SECTION

**WAC 392-140-646 Special education safety net—State oversight committee actions.** The state oversight committee shall take the following actions:

(1) An application reviewed during an application cycle may be:

- (a) Approved;
- (b) Disapproved; or

(c) Returned to the submitting school district, for possible resubmission at a later date during the school year, because information contained in the application is insufficient to establish a need for safety net funding.

(2) The amount approved shall be equal to or less than the amount for which application was made.

(3) The approval may be contingent on additional requirements imposed by the committee such as development of an action plan to resolve a specified problem prior to submission of any future safety net application.

(4) The approvals are subject to adjustment and recovery pursuant to WAC 392-140-675 through 392-140-685.

#### NEW SECTION

**WAC 392-140-650 Special education safety net—Withdrawal of application.** If at any time a school district wishes to withdraw a submitted application, the school district superintendent should submit a letter requesting withdrawal to the state oversight committee.

#### NEW SECTION

**WAC 392-140-653 Special education safety net—Reapplication.** If the applicant school district withdrew an application, or had an incomplete application returned, or is dissatisfied with the results of the state oversight committee's decision with regard to its application, the applicant may reapply for safety net funding in a later application cycle for the school year. All applications must meet the timing requirements of WAC 392-140-608.

#### NEW SECTION

**WAC 392-140-656 Special education safety net—Safety net appeal—Procedures.** While special education safety net funding is not an entitlement, an applicant district may appeal an action of the state oversight committee made

pursuant to WAC 392-140-646. The district shall appeal in writing to the superintendent of public instruction within thirty days of the date that the state oversight committee's written determination notice is sent to the district pursuant to WAC 392-140-643(11).

#### NEW SECTION

**WAC 392-140-660 Special education safety net—Approved application—Initial state special education safety net allocation.** The total amount allocated to school districts may not exceed the authorized appropriation for that school year.

(1) The initial special education safety net allocation of state moneys for applicants shall be the smaller of:

- (a) The amount requested by the school district; or
- (b) The amount authorized by the state oversight committee.

(2) The state oversight committee shall determine what portion, if any, of a special characteristics and costs application amount is to be credited against a maintenance of state effort (state revenue only) gain determined pursuant to WAC 392-140-620.

(3) The initial special education safety net allocation of state moneys for special characteristics applicants under WAC 392-140-605 (1)(b) shall be prorated if the state total year-to-date allocations for all safety net applications under WAC 392-140-605 (1)(a) and (b) exceed the authorized appropriation for that school year.

#### NEW SECTION

**WAC 392-140-665 Special education safety net—Approved application—Initial federal special education safety net allocation.** If documented needs for federal discretionary funds exceed the school year appropriation the superintendent of public instruction may access additional federal funds.

(1) The state oversight committee shall determine what portion, if any, of a high cost individual application amount is to be credited against the sum of any maintenance of state effort (state revenue only) gain determined pursuant to WAC 392-140-620 and any carryover of federal flow-through special education funding from the prior school year.

(2) The initial allocation amount of federal special education safety net moneys for a school district is the amount authorized by the state oversight committee and may be prorated if the total year-to-date allocations for such applications exceeds the authorized appropriation for the school year.

#### NEW SECTION

**WAC 392-140-670 Special education safety net—Distribution of state moneys.** The superintendent of public instruction shall apportion state special education safety net moneys according to the apportionment schedule provided in RCW 28A.510.250.

NEW SECTION

**WAC 392-140-675 Special education safety net—Adjusted special education safety net allocation.** Safety net allocation amounts for a school district may be adjusted during the school year as follows:

(1) The initial state and federal special education safety net allocation amounts for a school district may be adjusted to reflect changes in factors for which additional or revised information becomes available after the awarding of the initial safety net allocation and such information results in the district being eligible for a lesser allocation. This means:

(a) Maintenance of effort (state revenue only) awards shall be reduced or nullified when a recalculation pursuant to WAC 392-140-620 results in a loss smaller than any loss previously calculated pursuant to WAC 392-140-620.

(b) Special characteristics and costs awards shall be reduced or nullified when a recalculation pursuant to WAC 392-140-620 results in a gain which is larger than any previously calculated pursuant to WAC 392-140-620 and against which safety net applications are credited pursuant to WAC 392-140-660(2) and/or 392-140-665(1).

(2) The initial special education safety net allocation of state moneys for special characteristics applicants under WAC 392-140-605 (1)(b) shall be subject to additional proration if total state allocations for all safety net applications under WAC 392-140-605 (1)(a) and (b) exceed the authorized appropriation for that school year.

NEW SECTION

**WAC 392-140-680 Special education safety net—Recovery of state allocations to school districts.** State safety net funding is provided in revenue account 4121. Safety net funding:

(1) Shall be recovered or reduced for the following reasons:

(a) Unexpended account 4121 revenues are recovered in the subsequent school year pursuant to WAC 392-122-900.

(b) Any necessary adjustments pursuant to WAC 392-140-675 were not previously made.

(c) The periodic and/or final maintenance of effort (state revenue only) calculation performed by the superintendent of public instruction determines that a lesser amount is needed for maintenance of effort (state revenue only).

(d) The district did not use or failed to apply for available Medicaid or federal flow-through special education funding.

(e) The application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(2) May be recovered or reduced for the following reasons:

(a) IEPs determined at a later date through state audit or child count verification to be inappropriate or improperly prepared, have impacts material in nature to the justification or amount of need for safety net funding.

(b) The school district has carryover of federal flow-through special education funding from the previous school year.

NEW SECTION

**WAC 392-140-685 Special education safety net—Recovery of federal allocations to school districts.** For high cost individual student federal special education safety net moneys, recovery adjustments are made for the following reasons:

(1) Shall be recovered or reduced in the event the application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(2) May be recovered or reduced in the event that the school district has carryover of federal flow-through special education funding from the prior school year.

(3) Shall be recovered if unexpended for the purpose allocated including but not limited to situations where the student leaves the district or has a change in services. For students who transfer to another Washington public school district, expenditures for specialized equipment purchased with these funds shall not be recovered provided the district transfers the equipment to the other school district.

(4) Shall be recovered in the event the IEP is determined at a later date, through state audit or child count verification, to be inappropriate or improperly prepared and impacts the justification or amount of need for safety net funding.

(5) Shall be recovered or reduced when a recalculation pursuant to WAC 392-140-620 results in a gain larger than any previously calculated pursuant to WAC 392-140-620 and against which safety net applications are credited pursuant to WAC 392-140-665(1) and/or 392-140-675 (1)(b). This means MOESR adjustments are made first to state safety net awards and then to federal safety net awards.

Recovery adjustments not made in the current school year shall be added to the amount calculated pursuant to WAC 392-140-616 (2)(c) for the following school year. Such amounts reduce federal safety net awards in the following year.

**WSR 96-15-116  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 23, 1996, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-12-092.

Title of Rule: To amend WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.

Purpose: To amend WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule establishes consistent hunting season dates for general modern firearm deer seasons in the Okanogan for GMUs 200-209, 239-242, and 215-233 of October 12-25, 1996.

Reasons Supporting Proposal: The public requested that GMU 215-233, deer hunting seasons be lengthened by five

days and to be consistent with other GMUs in Okanogan County (GMUs 200-209, 239-242) with a season of October 12-25, 1996.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to provide recreational hunting opportunity within acceptable biological parameters and meet the wishes of the residents of Okanogan County.

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

Hearing Location: Department of Fish and Wildlife, Natural Resources Building, 1111 Washington Street N.E., Room #571, Olympia, WA 98501, on August 28, 1996, at 4:30 p.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by August 20, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by August 20, 1996.

Date of Intended Adoption: August 28, 1996.

July 23, 1996  
Evan S. Jacoby  
Legal Counsel

AMENDATORY SECTION (Amending Order 94-142 [WSR 96-15-102], filed 1/10/95 [7/22/96], effective 2/10/95 [8/1/96])

**WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.**

DEER

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, 328, 329, 330, 342, and 450.

Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
Northeastern 100-124 (See late buck for extended whitetail season).	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only*

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Southeastern

127-185 Oct. 15-23 Oct. 14-22 Oct. 12-20 3 pt. min.\*  
 Except closed in 157

Okanogan & Chelan

200-209, 239-242 Oct. 15-31 Oct. 14-27 Oct. 12-25 Buck only except 3 pt. min. in GMU 203

215-233 Oct. 12-20~~5~~ Buck only except 3 pt. min. in GMU 231

300-316 Oct. 15-31 Oct. 14-31 Oct. 12-31 Buck only except 3 pt. min. in GMU 306

Columbia Basin

248-278\*\*, 284 Oct. 15-21 Oct. 14-20 Oct. 12-18 Buck only

281 Oct. 15-23 Oct. 14-22 Oct. 12-20 Either sex

Colockum and Central

334 Oct. 15-25 Oct. 14-25 Oct. 12-25 Buck only

328, 329, 330, 342 Oct. 12-18 3 pt. min.

371 Oct. 12-20 Buck only

335-340, 346-368, 372 Oct. 15-31 Oct. 14-31 Oct. 12-31 Buck only

Western

405\*\*\*-572, 580, 601-684. Closed in GMU 522. Permit only in GMU 485. Oct. 15-31 Oct. 14-31 Oct. 12-31 Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.

574, 576, 584, 586, 588 Oct. 15-Nov. 6 Oct. 14-Nov. 14 Oct. 12-Nov. 6 2 pt. min.

\*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 105-142.

\*\*Except by permit only in that portion of GMU 278 north of O'Sullivan Road and east of Beverly Road.

\*\*\*Modern firearm deer hunting on Guemes Island is by permit only.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
105-124	Nov. 1-20	Nov. 1-19	Nov. 1-24	Whitetail buck only
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588	Nov. 17-20	Nov. 16-19	Nov. 21-24	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564



Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
100-118, 121, 124, 215, 233, 300, 316	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
127, 130 133	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
136-154, 160-169, 175-185, 231, 306	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min or antlerless
200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 371, 372, 405-426, 440, 442, 454-472, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554, 556, 560, 568, 572, 580, 601, 602, 607, 615, 618, 621, 627**, 633, 638, 642-658, 663, 667, 669, 678	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex, except buck only in GMU 371
433, 478, 558, 574, 576, 584, 586, 588, 681	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
328, 329, 330			Sept. 1-14	3 pt. min.
334, 480	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
203, 301, 302, 450	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
172	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
119, 242, 304, 360, 448, 484, 564, 603, 612, 624, 666, 672, 684	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
636	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
660	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
501, 506	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

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Deer Areas 010, 040, 060	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
Bow Area 802	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

\*Except closed in that part of GMU 278 (Wahluke) north of O'Sullivan Road and east of Beverly Road.

\*\* Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt, call Tom Jones at (360) 396-5097. Special Restrictions: Must be U.S. citizen, and hunting is open on weekends only.

Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
103	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Whitetail only, either sex
118, 121, 124	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless
209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
558, 584, 588, 636, 681	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min or antlerless
417, 418, 426, 440, 448, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 669, 678	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
450	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min
<b>Bow Areas</b>	<b>1994 Dates</b>	<b>1995 Dates</b>	<b>1996 Dates</b>	<b>Legal Deer</b>
802	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
820	Dec. 24-Jan. 8, 1995	Dec. 24-Jan. 8, 1996	Dec. 24-Jan. 8, 1997	Either sex

Extended Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 666, 667, 672, and Deer Areas 041 and 042	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
433	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	2 pt. min. or antlerless

\* Submarine Base Bangor within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunting opportunity call Tom James at (206) 396-5097. Special restrictions: U.S. citizenship is required by the Navy.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

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Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

Early Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
119, 242, 564, 666	Oct. 1-12	Oct. 1-11	Oct. 1-9	Either sex
506	Oct. 6-12	Oct. 5-11	Oct. 3-9	Buck only
209	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Either sex
302, 368	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Buck only
304, 360, 484, 603, 612, 624, 672	Oct. 1-12	Oct 1-11	Oct. 1-9	Buck only

Late Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
113	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Whitetail only, either sex
130, 133, 136, 139, 181	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	3 pt. min. or antlerless
304	Nov. 12-20	Nov. 11-19	Nov. 10-18	Buck only
410	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
478	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min. or antlerless
501, 504, 550	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
580	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Buck only
576, 586	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min.
602, 633, 651, 684	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
666	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex

Muzzleloader Area

925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Either sex

Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	1994 Dates	1995 Dates	1996 Dates	Legal Deer
410 & 480	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex

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564	Archery, Shotgun, Muzzleloader	Nov. 17-Dec. 31	Nov. 16-Dec. 31	Nov. 21-Dec. 31	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex

Deer Area

062**	Archery, shotgun, muzzleloader			Sept. 1-Dec. 31	Either sex
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\*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

\*\*Restricted Access: For information call Bill Kaling at (360) 396-5353.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

Hunting Method	1994 Open Season	1995 Open Season	1996 Open Season	Special Restrictions
Archery	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 30-Oct. 11	Sept. 1-13 Sept. 28-Oct. 9	either sex either sex
Modern Firearm General	Oct. 15-31	Oct. 14-31	Oct. 12-27	2 pt. min.
Muzzleloader	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	2 pt. min.

BLACK BEAR

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 14, 1994; Oct. 13, 1995; Oct. 11, 1996.

PURSUIT ONLY SEASON

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured. Hunters participating in a pursuit only season for black bear must have a valid hound stamp, and hunting license. A bear tag is not required to pursue black bear during the pursuit only season.

Aug. 1-31, 1994, 1995, and 1996, in GMUs 100-111, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone, GMUs 118-124 and GMUs 200 and 206.

OPEN SEASON

(Bear may be killed.)

Eastern Washington

Sept. 7-Oct. 31, 1994, Sept. 6-Oct. 31, 1995, Sept. 4-Oct. 31, 1996, EXCEPT Sept. 7-Nov. 6, 1994; Sept. 6-Nov. 5, 1995; Sept. 4-Nov. 10, 1996 in GMUs 145-154, 160-185.

Western Washington

Aug. 1-Oct. 31, 1994; Aug. 1-Oct. 31, 1995; Aug. 1-Oct. 31, 1996, EXCEPT Sept. 1-Oct. 31, 1994, Sept. 1-Oct. 31, 1995, and Sept. 1-Oct. 31, 1996, in Bow Area 802 and July 13-Sept. 7 and Sept. 26-Oct. 31 in PLWMA 401. CLOSED in GMUs 485 and 522.

The following regulations apply to the practice of HUNTING BLACK BEAR WITH BAIT.

Definition of Bait: A bait shall be defined as any substance placed with the intent of attracting bear.

Bait Types: It is unlawful to hunt bear with the aid of any bait other than unprocessed plant and plant parts including fruit, inedible parts of legally obtained food fish, game fish, and game animals; carcasses of legally trapped furbearing animals (hide removed); carcasses of unclassified fish and unclassified wildlife, and parts of domestic livestock carcasses.

Baits may not contain paper, cardboard, plastic, glass, aluminum, tin, steel, or styrofoam, or other packaging materials.

All other baits are illegal.

Placement of Bait: Baits for black bear may not be placed in an area until five days prior to the start of that area's established bear harvest season.

A bait may not be placed within fifty yards of any body of water (lake, pond, reservoir, stream, river, and spring), and not within two hundred yards of any road open to vehicular traffic or publicly maintained trail.

A bait may not be placed within one-half mile of any publicly designated administrative site, campground, picnic area, landfill or dump site, and not within one-quarter mile of any permanent residence or seasonal dwelling (except that private landowners may bait on their property within one-quarter mile of their own residence or seasonal dwelling when such baiting does not violate any of the aforementioned distance requirements with adjacent landholders).

Bait Containers: Bait must be contained within an excavated pit, or within a confine constructed of materials located at the site. Such containment structures might include, but not be restricted to, log cubbies, rock piles and stumps. Con-

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tainers may also be used to hold bait, but if used, must be securely fastened (to tree, ground, post, etc.)

Any items used to contain or to fasten bait containment materials such as metal drums, nails, screws, bolts, rope, reinforcing rod, and spikes shall be removed from the area within 48 hours of the close of the bear harvest season. Excavated pits shall be filled and the area returned to pre-baiting condition. Tree stands and materials used to construct and erect tree stands shall be removed within the same 48-hour period (except that tree stands may be left on private property with landowner's permission).

All hunters who hunt bear with bait shall affix their bear tag number at their bear baiting sites in such a manner that it remains conspicuous and legible for the duration of the bear season.

#### BAIT AND/OR HOUND HUNTING CLOSURES AND RESTRICTIONS

##### Selkirk Grizzly Bear Recovery Zone

Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone: (Pend Oreille County): Defined as beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 108, 111, or 113, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

##### North Cascades Grizzly Bear Recovery Zone (Zone)

The use of hounds and bait to hunt black bear is prohibited in the North Cascades National Park Complex and in all portions of GMUs 203, 218, 224, 231, 242, 300, 301, 302, 304, 306, 308, 314, 316, 328, 335, 426, 440, and 450. The use of hounds and bait to hunt black bear is also prohibited within those portions of GMUs 215, 233, 239, 417, 418, 433, 448, and 460 that lie within the North Cascades Grizzly Bear Recovery Zone (Okanogan, Chelan, Kittitas, King, Snohomish, Skagit, and Whatcom counties). For the purposes of this regulation, the Zone boundaries are defined as beginning at the junction of the Canadian-Washington border at the Nighthawk Port of Entry. South and East on the Similkameen Road to the Loomis-Oroville Road. South on the Loomis-Oroville Road to the Town of Loomis. South

from the Town of Loomis on the Sinlahekin Road to Conconully, South and West on the West Fork (Salmon Creek) Road to the Okanogan National Forest Boundary. East and South on the Okanogan National Forest Boundary; crossing U.S. Hwy. 20 and South of Loup Loup Summit. Continuing on the Okanogan National Forest boundary South and West to Vinton Road. Vinton Road South and West to Carlton at State Hwy. 153. State Hwy. 153 South and East to Pateros to U.S. Hwy 97. South on U.S. Hwy. 97 to the Okanogan County/Chelan County Line. West on the county line to the exterior boundary of the Wenatchee National Forest. West on the Wenatchee National Forest boundary, crossing Lake Chelan to South Lakeshore Drive. South on South Lakeshore Drive to U.S. Hwy. Alt. 97. South and West on U.S. Hwy. Alt. 97 to its intersection with U.S. Hwys. 2 and 97 at Sunnyslope. South and East on State Hwy. 285 to the Columbia River. South and East along the Columbia River to U.S. Interstate 90 at Vantage. West on U.S. Interstate 90 to the exterior boundary of the Mount Baker Snoqualmie National Forest at Garcia. North on the Mount Baker Snoqualmie National Forest Boundary to U.S. Hwy. 2 at the Skykomish River. U.S. Hwy. 2 west to the Kellog Lake Road. Kellog Lake Road North and West to Sultan Basin Road. Sultan Basin Road North and East to Olney Pass to Williamson Creek Road. North and East on the Williamson Creek Road to the Mount Baker Snoqualmie National Forest Boundary. West and North on the Mount Baker Snoqualmie National Forest Boundary to Pilchuck Mountain. North on the Mount Baker Snoqualmie National Forest Boundary to the South Fork Stilliguamish River. Continuing North on the Mount Baker Snoqualmie National Forest Boundary to Boulder Falls. North and East on Forest Road 2010 to French Creek. North on French Creek to the North Fork Stilliguamish River. West on the North Fork Stilliguamish River to Dicks Creek and the Mount Baker Snoqualmie National Forest Boundary. North on the Mount Baker Snoqualmie National Forest Boundary to Cumberland Creek. Cumberland Creek West and North to the Skagit River. The Skagit River East to Grandy Creek. North and East on Grandy Creek to Baker Lake Road. Baker Lake Road North and East to the Whatcom County/Skagit County Line. West on the Whatcom County/Skagit County Line to the Mount Baker Snoqualmie National Forest Boundary at Howard Creek. West and North on the Mount Baker Snoqualmie National Forest Boundary to the Canadian-Washington border. East on the Canadian-Washington border to the point of origin. (See Washington Atlas and Gazetteer)

Hunters using bait to hunt black bear outside the North Cascades Grizzly Bear Recovery Zone but within GMUs 215, 233, 239, 417, 418, 433, 448, and 460, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

Use of bait and hounds to hunt black bear is prohibited in Walla Walla and Columbia counties outside of the Umatilla National Forest.

Use of hounds is prohibited in GMU 684, and Bow Area 802.

## TOOTH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

## REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

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

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

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

**Reviser's note:** 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 96-15-118**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
[Filed July 23, 1996, 3:29 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 96-12-063.

Title of Rule: Chapter 212-17 WAC, Fireworks.

Purpose: Repeal WAC 212-17-185, 212-17-190, 212-17-200, 212-17-203, 212-17-205 and 212-17-210; and amends WAC 212-17-215, and creates new sections prescribing uniform standards for fireworks retail stands mandated by recent legislative changes.

Statutory Authority for Adoption: Chapters 70.77, 43.43 RCW.

Summary: Prescribes rules for sales, dates, construction, locations, state license, local permit and temporary storage of stock for retail fireworks stands.

Reasons Supporting Proposal: Lack of consistent, state-wide standards for retail fireworks stands results in a decreased level of safety for the public and fireworks retailers. Uniform rules will also make the license and permit process consistent in each jurisdiction.

Name of Agency Personnel Responsible for Drafting and Implementation: Lyall Smith, Olympia, (360) 753-7470; and Enforcement: Dick Small, Olympia, (360) 753-0400.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1995 legislature mandated that the director of fire protection prescribe uniform state-wide standards for retail fireworks stands. This rule sets those standards. It will ensure consistent, safe placement and operation of retail fireworks stands and their associated temporary storage

facilities. It will relieve retailers of having to deal with different requirements in each jurisdiction.

Proposal Changes the Following Existing Rules: Adds rules for temporary storage of fireworks related to a retail fireworks stand. It lowers the minimum age for sellers of fireworks. The rule defines in greater detail the rules for location and operation of retail fireworks stands.

No small business economic impact statement has been prepared under chapter 19.85 RCW. By standardizing the requirements, retailers will actually save money by having to follow only one set of rules.

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

Hearing Location: General Administration Building Auditorium, 11th and Columbia, Olympia, Washington 98504, on September 9, 1996, at 9 a.m. to noon; and at Grant County Fire District 5, 11058 Nelson Road, Moses Lake, WA 98837, on September 11, 1996, at 9 a.m. to noon.

Assistance for persons with disabilities: Contact Ms. Jan Baca by September 1, 1996, (360) 753-0626.

Submit Written Comments to: Mr. Lyall Smith, P.O. Box 42600, Olympia, WA 98504, FAX (360) 753-0395, by September 1, 1996.

Date of Intended Adoption: September 25, 1996.

July 23, 1996

B. J. Bjork

for Annette M. Sandberg  
Chief

AMENDATORY SECTION (Amending Order FM 82-10, filed 11/2/82)

**WAC 212-17-215 Retailers of fireworks—Disposition of unsold stock.** All retail fireworks licensees shall return unsold fireworks stocks either to the wholesaler, from whom they were purchased, for safe storage, or store them in a place and in a manner approved by the fire authority having jurisdiction not later than the thirty-first of July of each year for the fourth of July selling season, or no later than January thirty-first of each year for the New Year's Eve selling season.

NEW SECTION

**WAC 212-17-21501 General provisions.** (1) The state of Washington hereby fully occupies the entire field of regulation of all matters relating to the operation of retail fireworks structures and associated temporary fireworks storage structures including, but not limited to licensing and permitting procedures, transportation to and from these facilities, location, areas within twenty feet around these structures, the structures themselves, operation of these structures, temporary storage associated with retail fireworks sales and operation of these temporary storage structures, clean-up after the end of legal selling periods and all other related matters.

(2) The state of Washington hereby preempts all city and county ordinances, rules, regulations, procedures or policies with respect to all such matters. These rules constitute the entire and exclusive authority for regulations of all matters relating to operation of retail fireworks structures and associated temporary fireworks structures. No city or county may enact or enforce any other requirements.

These rules do not limit nor preempt the authority of a city or county to prohibit or restrict to a degree greater than state standards, the sale, purchase, possession and use of common fireworks, UN 0336 1.4G. Subject to the limitations imposed by chapter 70.77 RCW, a city or county may ban fireworks; or a city or county may restrict the days of sale, purchase, possession and use of fireworks; or a city or county may restrict the types of fireworks that may be sold and purchased. But, if a city or county allows the sale of fireworks classified as common fireworks, UN 0336 1.4G, these rules preempt that city's or that county's authority to enact or enforce standards of operation for the retail fireworks structures and the temporary fireworks storage structure which are different from the standards established by these rules.

(3) Retail fireworks structures, temporary fireworks storage structures and the related matters covered by these rules are exempt from the Uniform Building Code, the Uniform Fire Code and other codes which would, if in effect, conflict with the standards and regulations specified herein except when these rules specifically require compliance with specific and thereby limited provisions of those codes. However, if a city or county ordinance which regulates the sale, purchase, possession and use of fireworks is a part of that city's or that county's building code or fire code, those portions of that city's or that county's building code or fire code which are not in conflict with these rules are not preempted or affected by these rules.

(4) Each retail fireworks structure is required to have a license issued by the state fire marshal and a permit issued by the city or county which has jurisdiction. Each license and each permit is valid for a period of one year.

(5) If all requirements of these rules are met, a license or a permit once issued is transferable between agreeing parties. If all requirements of these rules are met, the location of the retail fireworks structure or the location of the associated temporary fireworks storage structure or other conditions or information associated with the license or permit can be changed after the issuance of the license or the issuance of the permit at any time prior to the beginning of the legal sales period. The state fire marshal shall, at no additional cost, make note of the changes. The city or county which has jurisdiction shall, at no additional cost, within five business days confirm compliance with these rules and make note of the change.

(6) The license and the permit shall be posted in the retail fireworks structure.

(7) Only Class C common fireworks, UN 0336 1.4G, obtained from state-licensed wholesalers, not otherwise prohibited by chapter 70.77 RCW or local ordinance, and holiday related products incidental but related to these products, may be sold in retail fireworks structures.

(8) A list of fireworks that may be sold to the public, as furnished by the state fire marshal, must be posted at each retail fireworks structure.

(9) Except as limited by an ordinance of a city or a county, fireworks can be sold from 12:00 noon on June the 28th through 12:00 noon on July the 6th. Fireworks may not be sold between the hours of 11:00 p.m. and 9:00 a.m. from June the 28th through July the 3rd. Fireworks may not be sold from 12:00 midnight on July the 4th through 9:00 a.m.

on July the 5th. Fireworks may not be sold from 11:00 p.m. on July the 5th through 9:00 a.m. on July the 6th.

(10) Except as limited by an ordinance of a city or a county, fireworks can be sold from 6:00 p.m. on December the 31st through 1:00 a.m. on January the 1st of the subsequent year.

(11) Licensees shall familiarize all persons working in the retail fireworks structure with all of these requirements.

(12) If a licensee or permittee is operating the retail fireworks structure or the temporary fireworks storage structure in a manner not in conformance with these rules, applicable local ordinances or portions of ordinances not preempted by these rules or state laws, or the state fireworks law, the state fire marshal or the city or county having jurisdiction shall assist the licensee or permittee, as required by chapter 403, Laws of 1995, and other provisions of state law, to get the operation into compliance. If a licensee or permittee refuses to comply with these valid requirements, such refusal may constitute a violation of chapter 70.77 RCW and may cause the immediate closure of the retail fireworks structure, the seizure of some or all of the fireworks in the retail fireworks structure, revocation of the license or revocation of the permit and other criminal penalties as specified in law.

#### NEW SECTION

**WAC 212-17-21503 Application for the license and permit.** (1) Application for a license and permit shall be made on a form provided by the state fire marshal.

(2) The license, which shall be obtained from the state fire marshal, shall be applied for first. The fee as required by chapter 70.77 RCW shall accompany application. The application shall include:

(a) The name, address and telephone number of the applicant;

(b) The name, address and telephone number of the person who will have control of the retail fireworks structure if different from the applicant;

(c) The address or, if there is no address, a description of the location of the retail fireworks structure; and

(d) The location of the temporary fireworks storage structure if the fireworks are not stored in the retail fireworks structure and if the location of the temporary fireworks storage structure is different from the location of the retail fireworks structure.

If all of these requirements are met, the state fire marshal shall issue the license within fifteen days.

(3) When the license is obtained, the permit shall be applied for from the city or county in which the retail fireworks structure is to be located. Along with the permit application, the applicant shall submit:

(a) The fee for the permit;

(b) Proof of liability insurance as required by chapter 70.77 RCW; and

(c) A general site plan of the permit location on which is noted the placement of the retail fireworks structure showing that the retail fireworks structure meets all set-back requirements as specified in these rules.

No permit may be applied for later than May the 26th of any year. If all the requirements of these rules are met, the permit shall be issued by the city or county no later than

June the 10th of the current year or within thirty days of receipt of the application whichever is earlier.

(4) A city or county may require a clean-up bond or deposit in an amount not to exceed one hundred dollars.

(5) A temporary storage facility shall be authorized as a part of the license and permit if requested by the applicant and if the temporary storage facility meets the requirements specified in this chapter.

(6) A copy of a document authorizing the use of the property shall be obtained prior to the first legal day of sales if there is a disagreement between two or more parties claiming to control use of the property or if requested by the city or county having jurisdiction.

#### NEW SECTION

**WAC 212-17-21506 Transportation.** When transporting fireworks, all federal and state transportation requirements shall be met provided that nothing in these rules shall restrict the right of any person to transport, in private vehicles, fireworks which have been legally purchased from retail fireworks structures.

#### NEW SECTION

**WAC 212-17-21509 Location.** (1) Retail fireworks structures shall not be subject to city or county zoning limitations except that no retail fireworks structure shall be permitted in residentially zoned areas.

(2) The property where a retail fireworks structure is located shall be accessible from a private driveway or public road, street or highway.

(3) A retail fireworks structure must be at least one hundred feet from any other retail fireworks structure or separated from any other retail fireworks structure by a road, street or highway at least thirty feet in width.

(4) A retail fireworks structure shall be located in such a way that its back and sides are at least twenty feet from a building, other structure or other combustible unless permitted by the city or county granting the permit, provided that for the purposes of these rules poles, signs, sign posts, telephone booths and similar objects are not structures. A retail fireworks structure must be at least five feet from a street curb (as distinct from curbing around a private parking area) or parking strip on a roadway. No such five-foot setback shall be required if a car lane of a private parking lot is next to the retail fireworks structure. The front or customer side of the retail fireworks structure shall be at least twenty feet from a building or other structure, street curb (as distinct from curbing around a private parking area), road, street or highway. The minimum required area in the front of the structures as specified here shall be marked or flagged.

(5) A retail fireworks structure shall not be located closer than one hundred feet from any flammable or combustible liquid or gas dispensing device, nor less than three hundred feet from any bulk storage or dispensing facility.

(6) Upon request from an applicant for a license or permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### NEW SECTION

**WAC 212-17-21512 Area around the retail fireworks structure.** (1) The minimum areas around the retail fireworks structure specified in the previous section shall be kept free of accumulations of dry grass, dry brush and combustible debris. No parking shall be permitted within this minimum area.

(2) No motor vehicle or trailer may be parked within twenty feet of a retail fireworks structure except when delivering, loading or unloading fireworks.

(3) Operators shall not authorize and shall discourage the discharge of fireworks within fifty feet of a retail fireworks structure. Signs reading "No discharge of fireworks within 50 feet" in letters at least two inches high on contrasting background, shall be conspicuously posted on all four sides of the structure.

(4) No smoking shall be allowed within the retail fireworks structure or within the minimum flagged off area. Signs reading "No smoking within 20 feet" in letters at least two inches high on a contrasting background, shall be conspicuously posted on all four sides of the structure.

(5) Upon request from an applicant for a license and permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### NEW SECTION

**WAC 212-17-21515 Structure.** (1) Retail fireworks structures and associated temporary fireworks storage structures are temporary use structures. Retail fireworks structures and their associated temporary fireworks storage structures are not subject to the Uniform Fire Code or the Uniform Building Code or other codes except as provided for in these rules.

(2) Battery powered equipment, electrical equipment and electrical cords which are used in conjunction with a retail fireworks structure or a temporary fireworks storage structure must be UL or FM listed. If electrical power is supplied by an extension cord, the size of the cord, the length of the cord and the amperage and the voltage supplied shall be in compliance with the requirements of the National Electrical Code, current edition. The cord shall be protected as necessary from "drive-over" and other physical damage. No additional permits from a city or county or state official having jurisdiction shall be required for these uses.

(3) All heating units shall be UL or FM listed. Heating sources shall have "knock-over" and temperature overheat protection. Open flame heating devices are prohibited.

(4) No additional permits from the city, county or state official having jurisdiction shall be required for use of a generator which burns a combustible fuel and which is at least twenty feet from the retail fireworks structure or the temporary fireworks storage structure.

(5) Compliance with the National Electrical Code, current edition, shall be required for all new, permanent electrical installation, subject to a possible appropriate permit fee.

(6) Retail sales of fireworks and other products which are holiday related shall be from:

(a) Buildings used for no other purpose;



- (b) Temporary, stable structures made from wood, metal, fiberglass or other material; or
- (c) Tents, canopies or other temporary membrane material.

All tents, canopies or temporary membrane material structures shall be made from fire retarding material as identified in Article 32 of the current edition of the Uniform Fire Code. Any tent, canopy or temporary membrane material structure falling within the scope of the current edition of the Uniform Fire Code shall comply fully with that Article. When this requirement is in conflict with other provisions of these rules, the more restrictive provisions shall apply.

(7) Fireworks may be sold inside a permanent structure used as a retail fireworks structure and customers may be allowed inside the permanent retail fireworks structure if the state fire marshal and the affected city or county concur.

(8) Upon request from an applicant for a license or permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### NEW SECTION

**WAC 212-17-21518 Operation of retail fireworks structures.** (1) A clear aisle or walkway must be maintained inside the full length of the structure.

(2) Each temporary retail fireworks structure must have at least two exits, at least twenty-eight inches in width located at opposite ends. Exits must remain unlocked and unobstructed during the hours of operation or when the structure is occupied.

(3) Sleeping inside a retail fireworks structure or an associated temporary fireworks storage facility is prohibited.

(4) The location of the nearest telephone must be posted inside the retail fireworks structure and persons inside the structure should be informed of that location.

(5) The local emergency telephone number shall be conspicuously posted inside the retail fireworks structure.

(6) Each retail fireworks structure shall be equipped with two approved, pressurized two and one-half gallon water-type fire extinguishers.

(7) No open flames or equipment of any kind with an open flame shall be allowed in any retail fireworks structure or temporary fireworks storage structure.

(8) The retail fireworks structure shall be locked during hours when the retail fireworks structure is not open for business if fireworks are kept in the structure during these hours and if unoccupied.

(9) At least one adult person, eighteen years of age or older shall be present at all times in every retail fireworks structure during the hours of sale to the public and shall be responsible for supervision of the retail fireworks structure and its operation. No person, not a customer, under the age of fourteen shall be allowed within a retail fireworks structure when it is open to the public.

(10) Customers shall not be permitted inside a retail fireworks structure that is less than three hundred square feet. If customers are inside a temporary retail fireworks structure, minimum exit standards as required by the Uniform Building Code, current edition, shall be met.

(11) Retail fireworks structures may be inspected prior to opening for business and other inspections may occur on other days as warranted but there shall be no additional charge for all such inspections.

(12) In order to obtain return of a clean-up bond if required by a city or county as a condition of a permit, the clean up of debris associated with the retail fireworks activity and the removal of all structures authorized by the license and permit shall occur on or before the last day of the storage period specified in these rules.

(13) Fireworks may be sold inside a permanent structure meeting all provisions of the state building code and local building ordinances and customers may be allowed inside the permanent retail fireworks structure if the state fire marshal and the affected city or county concur.

(14) Upon request from an applicant for a license and permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### NEW SECTION

**WAC 212-17-21521 Temporary fireworks storage associated with the retail fireworks structure operation.**

(1) Temporary fireworks storage is not permanent fireworks storage. Temporary fireworks storage is defined as storage associated with retail fireworks sales and may only be from June the 13th through July the 31st and from December the 12th through January the 10th of the subsequent year. Permanent fireworks storage is associated with retail or wholesale fireworks activities when the period of time of storage is other than, or longer than that specified for temporary storage. Permanent fireworks storage is subject to the Uniform Fire Code and the Uniform Building Code. Temporary fireworks storage is not subject to these or other codes.

(2) Delivery of fireworks to a location, or storage of fireworks in facility, not authorized by the license and permit is prohibited.

(3) A temporary fireworks storage facility or a temporary fireworks storage location shall be authorized as a part of a license and permit if it meets the requirements specified herein.

(4) Retail fireworks structures shall never be locked or secured when occupied.

(5) If fireworks are kept inside the retail fireworks structure when it is not open for business, it shall be locked or secured to prevent unlawful entry. The fireworks may be removed and transferred to a temporary facility or a temporary location approved as a part of the license and permit.

(6) Storage of fireworks authorized by a retail license and permit is legal only during the periods specified in this section.

(7) Fireworks may be stored in a locked or secured truck, trailer or other vehicle which is at least twenty feet from the retail fireworks structure during hours of retail sales; or in a locked or secured truck, trailer or other vehicle which is at least twenty feet from an inhabited building where the term "inhabited building" is defined as in the Uniform Building Code, current edition; or in a locked or secured metal or wooden garage, shed, barn or other building, container, trailer or anything similar which is detached

from an inhabited building or an attached garage that has separation as required in the Uniform Building Code, current edition. There shall be no open flame heating or lighting sources.

(8) No cooking is permitted in a retail fireworks structure or in a temporary fireworks storage structure.

(9) Temporary fireworks storage structures may be inspected prior to use and other inspections may occur on other days as warranted. There shall be no additional charge for all such inspections.

(10) Upon request from an applicant for a license or permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### NEW SECTION

**WAC 212-17-21525 Clean up.** (1) At the end of the legal selling period, all fireworks must remain in the retail fireworks structure, temporary storage location initially authorized in conjunction with the granting of the retail permit, or another location approved by the city or county fire official or his or her designee until returned to the suppliers from which they were obtained or transferred to an approved location.

(2) In order to obtain return of a clean-up bond or clean-up deposit if made, all litter and the retail fireworks structure, if temporary, shall be removed from the site no later than 11:59 p.m., July the fifteenth for the Fourth of July selling period or no later than 11:59 p.m., January the tenth for the New Year's Eve selling season.

(3) Upon request from an applicant for a license and permit, the state fire marshal may, upon reasonable grounds and with the concurrence of the affected city or county, grant a waiver from any of the rules in this section.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 212-17-185	Retailers of fireworks—General.
WAC 212-17-190	Retailers of fireworks—Sales dates.
WAC 212-17-195	Retailers of fireworks—Sales locations.
WAC 212-17-200	Retailers of fireworks—Safety inspection.
WAC 212-17-203	Retailers of fireworks—List to be posted.
WAC 212-17-205	Retailers of fireworks—No smoking signs.
WAC 212-17-210	Retailers of fireworks—Smoking and discharge of fireworks.

**WSR 96-15-122**  
**PROPOSED RULES**  
**STATE TREASURER**  
 [Filed July 24, 1996, 8:28 a.m.]

Original Notice.

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

Title of Rule: Chapter 210-01 WAC, Local government investment pool.

Purpose: To prescribe the procedures to be followed by participants in the local government investment pool and to amend existing rules to conform to statutory changes and contemporary practices and to correct a typographical error.

Statutory Authority for Adoption: RCW 43.250.090.

Statute Being Implemented: RCW 43.250.010, [43.250].020, and [43.250].040.

Summary: Amendment of rules to conform to statutory changes and contemporary practices and to correct a typographical error.

Reasons Supporting Proposal: Makes rules consistent with recent statutory changes and modern practices and corrects a typographical error.

Name of Agency Personnel Responsible for Drafting: Scott Jarvis, Counsel, P.O. Box 40200, Olympia, WA 98504-0200, (360) 586-7293; Implementation and Enforcement: Elaine Emans, Deputy Treasurer, P.O. Box 40200, Olympia, WA 98504-0200, (360) 902-8900.

Name of Proponent: State Treasurer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules govern the operation of the local government investment pool. The rules specify who can participate in this public funds investment account and set forth reporting requirements and operational procedures. The rules give direction to pool members and allow the state treasurer to maintain the viability and success of the pool's investment program.

Proposal Changes the Following Existing Rules: The changes conform the existing rules with recently adopted legislation (chapter 268, Laws of 1996) which allows community and technical colleges to invest in the pool. Also, WAC 210-01-120 regulates the administrative fees charged members by the pool to cover the pool's expenses and is being amended to recognize fluctuations as to these fees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not regulate or have an economic impact on any small business. The rule impacts only participants in the Local Government Investment Pool.

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

Hearing Location: Office of State Treasurer, Legislative Building, Second Floor, Olympia, Washington 98504, on August 27, 1996, at 2 p.m.

Assistance for Persons with Disabilities: Contact Cristin E. Wilson by August 20, 1996, TDD (360) 902-8963, or (360) 586-4635.

Submit Written Comments to: FAX (360) 586-6147, by August 20, 1996.

Date of Intended Adoption: August 28, 1996.

July 19, 1996  
 Scott Jarvis  
 Counsel

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-020 Definitions.** Unless the context requires otherwise:

(1) "Local government investment pool" or "pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Pool participant" means any county, city, town, municipal corporation, political subdivision, ~~((or special purpose taxing district in the state))~~ community and technical college district, the state board for community and technical colleges, or other entities in this state as may be designated by statute.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision.

(4) "Financial officer" means the board-appointed treasurer of a community or technical college district or the state board for community and technical colleges.

(5) "Funds" means public funds under the control of or in the custody of any local government official or local funds, as defined by the official of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's or financial officer's authority that are not immediately required to meet current demands.

~~((5))~~ (6) "Financial institution" means a qualified public depository as defined in RCW 39.58.010.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-030 Local government ordinance or resolution.** All ~~((local))~~ government entities participating in the local government investment pool will file with the state treasurer a certified copy of an ordinance or resolution containing the following:

(1) Name and address of entity

(2) A statement that the governmental entity agrees to deposit or withdraw funds in the local government investment pool in accordance with the provisions of the Washington Administrative Code for the purpose of investment as stated therein.

(3) The names and titles of the officials authorized by this ordinance or resolution to order the deposit or withdrawal of funds in the local government investment pool. No more than two signatures are necessary for this purpose.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-120 Administrative fees.** The state treasurer will charge a fee for the administration of the local government investment pool. This fee will be set in a manner that will allow the state treasurer to recover costs associated with the pool. The fee will be based on the average daily balance of the funds deposited in the pool. Each participant will pay a proportionate share of the pool's expenses based upon its share of the total pool's assets. The

fee will be expressed as a percentage of the average daily funds on deposit in the pool for a specified period. This fee will be charged against each participant's earnings prior to the credit of those earnings. ~~((For fiscal year 1987 the administrative fee will be set at one quarter of one percent.))~~ The administrative fee ~~((for following fiscal periods))~~ will be adjusted to reflect actual experience.

**WSR 96-15-126**  
**PROPOSED RULES**  
**LOTTERY COMMISSION**  
 [Filed July 24, 1996, 9:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-004.

Title of Rule: New sections WAC 315-11A-180 Instant Game Number 180 ("\$2 Stadium Fever"), 315-11A-181 Instant Game Number 181 ("My! Oh! My!"), 315-11A-182 Instant Game Number 182 ("Bonus 7 Come 11") and Instant Game Number 183 ("\$2 Win For Life"); and amendatory sections WAC 315-06-120 Payment of prizes—General provisions and 315-11A-163 Instant Game Number 163 ("Apple Bucks").

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 180 ("\$2 Stadium Fever"), 181 ("My! Oh! My!"), 182 ("Bonus 7 Come 11"), and 183 ("Win For Life"); and to amend WAC 315-06-120 and 315-11A-163.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Olympia, (360) 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, (360) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-180, 315-11A-181, 315-11A-182 and 315-11A-183, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: The proposal will make permanent the emergency amendment to WAC 315-11A-163 adopted on July 12, 1996, which adds a \$60 play symbol and caption. The proposal also amends WAC 315-06-120 to allow the lottery to make installment payments from the date the prize is claimed, only if the drawing was held during the last week of the calendar year and the prize cannot be claimed that year due to weekend or extraordinary closure of the lottery's offices.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has

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considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, Suite #4, 1503 N.E. 78th Street, Vancouver, WA 98665-9668, on September 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 30, 1996, (360) 586-1088.

Submit Written Comments to: Michael Aoki-Kramer, Lottery, FAX (360) 586-6586, by September 5, 1996.

Date of Intended Adoption: September 6, 1996.

July 23, 1996  
Evelyn P. Yenson  
Director








**NEW SECTION**

**WAC 315-11A-180 Instant Game Number 180 ("Stadium Fever").** (1) **Definitions for Instant Game Number 180.**

(a) **Play symbols:** The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the nine play spots labeled "your runs" and in each of the nine play spots labeled "their runs" under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The playfield shall be labeled "1st Inning," "2nd Inning," "3rd Inning," "4th Inning," "5th Inning," "6th Inning," "7th Inning," "8th Inning," "9th Inning," and "Extra Inning Bonus."

(b) **Play symbol captions:** The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 180, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT

9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
	BALLL
	BATTT
	FIELD
	MITTT
	HMPLT
	HELMT
	HOTDG

(c) **Prize symbols:** The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears in each of the nine areas of the playfield labeled with a numbered inning designation.

(d) **Prize symbol captions:** The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 180, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 25.00	TWF DOL
\$ 45.00	FORTYFV
\$ 50.00	\$FIFTY\$
\$ 100	ONEHUND
\$ 2,000	TWOTHOU

(e) **Validation number:** The unique twenty-five digit number on the front of the ticket. The number is covered by latex.

(f) **Pack-ticket number:** The thirteen-digit number of the form 180000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 180 constitute the "pack number" which starts at 180000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 999 within each pack of tickets.

(g) **Retailer verification codes:** Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 180, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the

play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
TWO	\$ 2.00
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
SIX	\$ 6.00 (\$1, \$1, \$1, \$1, \$1 AND \$1)
NIN	\$ 9.00 (\$1, \$1, \$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$3, \$1 AND \$1)
EGN	\$ 18.00 (\$2, \$2, \$2, \$2, \$2, \$2, \$2, \$2 AND \$2; \$5, \$4, \$2, \$2, \$1, \$1, \$1 AND \$1)
TWY	\$ 20.00 (EXTRA INNING BONUS)
NTY	\$ 90.00 (\$10, \$10, \$10, \$10, \$10, \$10, \$10, \$10 AND \$10; \$45, \$9, \$9, \$9, \$9, \$7 AND \$2)
FRH	\$ 400.00 (\$50, \$50, \$50, \$50, \$50, \$50, \$50, \$25 AND \$25; \$100, \$100, \$100 AND \$100)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 180.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) For each of the innings (rows) labeled with a numbered inning designation, when the play symbol in the "your runs" column is a larger number than the play symbol in the "their runs" column in that same inning (row), the bearer of the ticket shall be entitled to the prize shown for that inning (row).

(ii) The bearer of a ticket having winning play symbols in more than one inning shall win the sum of the prizes in each winning inning. Play symbols in different innings may not be combined to win a prize.

(iii) In Instant Game Number 180, the bearer of a ticket which has a "⓪" play symbol with the caption "BALL" in the "Extra Inning Bonus" box shall be entitled to a prize of \$20.00.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 180 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 180; and/or

(ii) Vary the number of tickets sold in Instant Game Number 180 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 180.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 180 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine play spots in the "your runs" columns and in each of the nine play spots in the "their runs" columns in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the innings, except for the "Extra Inning Bonus," shall have a prize symbol within it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-181 Instant Game Number 181 ("My! Oh! My!") (1) Definitions for Instant Game Number 181.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the four play spots in the "your score" column and in each of the four play spots in the "their score" column under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Each playfield shall have four games or rows.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each play symbol.

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The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 181, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
12	TLV

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears to the right of each pair of captioned play symbols.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 181, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 50.00	\$FIFTY\$
\$ 500	FIVHUND

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 181000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 181 constitute the "pack number" which starts at 181000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 181, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2 AND \$2; \$3, \$1, \$1 AND \$1)
TLV	\$ 12.00 (\$5, \$4 AND \$3; \$6, \$4, \$1 AND \$1)
TTF	\$ 24.00 (\$10, \$8, \$4 AND \$2; \$20, \$2, \$1 AND \$1)
TWH	\$ 200.00 (\$50, \$50, \$50 AND \$50)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 181.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) The bearer of a ticket having a play symbol in the "your score" column that is a larger number than the play symbol in the "their score" column in the same game (row) shall win the prize shown in the prize column for that game (row).

(ii) The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 181 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 181; and/or

(ii) Vary the number of tickets sold in Instant Game Number 181 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 181.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 181 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the four play spots in the "your score" column and in each of the four play spots in the "their score" column in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Exactly one prize symbol for each of the four games must appear under the latex covering in the prize column on the front of the ticket. Each of the prize symbols shall also have a prize symbol caption below it.

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(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-182 Instant Game Number 182 ("Bonus 7 Come 11"). (1) Definitions for Instant Game Number 182.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Two of these play symbols appear in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The play spots shall be labeled "Roll 1," "Roll 2," "Roll 3," "Roll 4," and "Bonus Roll."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 182, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears below each pair of captioned play symbols.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 182, the prize

symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 60.00	\$SIXTY\$
\$ 600	SIXHUND

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 182000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 182 constitute the "pack number" which starts at 182000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 182, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
EGT	\$ 8.00 (\$3, \$2, \$2 AND \$1; \$4, \$2 AND \$2)
SXT	\$ 16.00 (\$5, \$4, \$4 AND \$3; \$8 AND \$8)
FRY	\$ 40.00 (\$10, \$10, \$10 AND \$10; \$20, \$10 AND \$10)
TFR	\$ 240.00 (\$60, \$60, \$60 AND \$60)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 182.**

(a) The price of each instant game ticket shall be \$1.00.

(b) An instant prize winner is determined in the following manner:

(i) For each of the rolls labeled with a numbered roll designation, when the two play symbols within the same numbered roll total 7 or 11, the bearer of the ticket shall be entitled to the prize shown below that roll.

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PROPOSED

(ii) The bearer of a ticket having winning play symbols in more than one roll shall win the sum of the prizes shown below the winning rolls.

(iii) In Instant Game Number 182, the bearer of a ticket which has two play symbols within the "Bonus Roll" that total 7 or 11 shall be entitled to the sum of all prizes shown below the numbered roll designations.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 182 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 182; and/or

(ii) Vary the number of tickets sold in Instant Game Number 182 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 182.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 182 all of the following validation requirements apply:

(i) Exactly two play symbols must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vi) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

**WAC 315-11A-183 Instant Game Number 183 ("2 Win For Life"). (1) Definitions for Instant Game Number 183.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the nine play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 183, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	SXT
17	SVT

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 183, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 20.00	TWY DOL
\$ 25.00	TWF DOL



\$ 100.00 ONEHUND  
LIFE \$1000/MONTH

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 183000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 183 constitute the "pack number" which starts at 183000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 183, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE	
TWO	\$ 2.00	(\$1 AND \$1; \$2)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$3 AND \$1)
SIX	\$ 6.00	(\$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$1 AND \$1)
TEN	\$ 10.00	(\$2, \$2, \$1, \$1, \$1, \$1, \$1 AND \$1; \$6, \$2 AND \$2)
TWY	\$ 20.00	(\$5, \$4, \$2, \$2, \$2, \$2, \$2 AND \$1)
FTY	\$ 50.00	(\$10, \$10, \$10, \$8, \$8, \$2, \$1 AND \$1)
OHN	\$ 100.00	(\$25, \$20, \$20, \$15, \$10, \$5 AND \$5)
FVH	\$ 500.00	(\$100, \$100, \$100, \$100 AND \$100)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 183.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the eight play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) When the "LIFE" prize symbol with the caption "\$1,000/MONTH" appears below a winning play symbol on an Instant Game Number 183 ticket, the prize for the claimant of said ticket shall be \$1,000 per month for the life of the claimant, subject hereto:

(i) A natural person, and a natural person only, may claim the prize of \$1,000 per month for life. The natural person must have a U.S. Social Security number in his or her name.

(ii) Prize payments shall be made semiannually in the amount of \$6,000 at the beginning of the six-month period for which the claimant is entitled. Claimant shall be entitled to said \$6,000 payment regardless of whether claimant lives to the end of said six-month period.

(iii) In the event that the prize claimant is under the age of eighteen at the time of claiming, the claimant shall not be entitled to the first payment of \$6,000 until the month that the claimant reaches the age of eighteen.

(iv) In the event that the claimant dies prior to payment of \$100,000 in prize money under this section, claimant's successor-in-interest shall be entitled to payment of that amount of money in a lump sum which would provide claimant and said successor together a total of \$100,000, upon presentation to the lottery of legal documents, including court order(s) if necessary, to demonstrate the successor's entitlement to said payment.

(v) The determination of the sufficiency of the documents necessary under this subsection shall lie within the sole discretion of the director or the lottery.

(vi) It shall be the obligation of claimant's successor-in-interest to notify the lottery of the death of the claimant. No person shall be entitled to receive any payment under this section after claimant's death until the lottery has been notified of said death. The lottery shall require the return of any moneys received after claimant's death and prior to notification of the lottery.

(vii) Payment to said successor shall be governed by all applicable law including WAC 315-06-120, 315-06-125, and 315-06-130.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 183 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 183; and/or

(ii) Vary the number of tickets sold in Instant Game Number 183 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 183.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 183 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize

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symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 96-15-124, filed 7/24/96)

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: *Provided*, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural

person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) The payment of the entire remainder of an annuity and the right to receive future annual prize payments may be voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2). No voluntary assignment is effective unless and until the national office of the Federal Internal Revenue Service provides a ruling that the voluntary assignment of prizes will not affect the federal income tax treatment of prize winners who do not assign their prizes.

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded ~~((~~or~~))~~, except that when a drawing occurs during the last week of the calendar year and it is impossible to claim the prize in the calendar year of the drawing solely due to weekend or extraordinary closure of the lottery's offices, installment payments shall be made weekly, monthly, or annually, in accordance with the type of prize awarded, from the date the prize is claimed; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other

dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

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 96-07-015, filed 3/12/96, effective 4/12/96)

**WAC 315-11A-163 Instant Game Number 163 ("Apple Bucks"). (1) Definitions for Instant Game Number 163.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 163, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
0	APL

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$8.00," "\$9.00," "\$10.00," "\$12.00," "\$20.00," "\$60.00,"

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"\$1,000," and "\$3,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 163, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
<u>\$ 60.00</u>	<u>\$SIXTY\$</u>
\$ 1,000	ONETHOU
\$ 3,000	THRTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 163000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 163 constitute the "pack number" which starts at 163000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 163, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FIV	\$ 5.00 (\$1, \$1, \$1, \$1, AND \$1; \$2, \$2 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$1, \$1 AND \$1; \$5, \$1, \$1, \$1 AND \$1)
EGN	\$ 18.00 (\$5, \$4, \$3, \$3, AND \$3; \$6, \$6, \$4, \$1 AND \$1)
TWF	\$ 25.00 (\$10, \$9, \$4, \$1 AND \$1)

SXY	\$ 60.00 (\$20, \$12, \$10, \$10 AND \$8)
TRN	\$ 300.00 (\$60, \$60, \$60, \$60 AND \$60)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) **Criteria for Instant Game Number 163.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 163, the "O" play symbol with the caption "APL" shall always be a winning play symbol, and the bearer of a ticket which has a "O" play symbol with the caption "APL" shall be entitled to the prize shown below the "O" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 163 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 163; and/or

(ii) Vary the number of tickets sold in Instant Game Number 163 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) **Ticket validation requirements for Instant Game Number 163.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 163 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font

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Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**WSR 96-15-127  
PROPOSED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 24, 1996, 9:42 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-03-159.

Title of Rule: WAC 192-28-105 Recovery of benefit overpayments—Notification to individual, 192-28-120 Recovery of benefit overpayments—By repayment or offset against future benefits.

Purpose: WAC 192-28-105 requires the department to provide the claimant with an overpayment advice of rights whenever a possible overpayment exists, and specifies the information that must be contained within that notice. WAC 192-28-120 describes how overpayments can be recovered through repayment or offset against future benefits.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Statute Being Implemented: RCW 50.20.190.

Summary: Both regulations are amended to eliminate references to account adjustments. This is an informal means of recovering overpayments, where the claimant does not receive a written overpayment notice and the department deducts past or future benefits until the overpayment is satisfied. The rules are also revised for clarity of language.

Reasons Supporting Proposal: The department is implementing a new computer system which also acts as an accounting system. Under this system, informal account adjustments will no longer be necessary. Instead, a formal determination notice and overpayment assessment will be issued to the claimant whenever an overpayment exists and the claim will be recalculated to ensure the claimant receives proper payment.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 192-28-105 requires the department to send a written notice, called an overpayment advice of rights, whenever it believes an overpayment may exist. The regulation also specifies the information that must be contained in that notice, and advises the claimant s/he has ten days to respond or a decision will be made based upon available information. The proposed amendment eliminates the requirement that the notice tell the claimant about the option of repayment through an account adjustment. WAC 192-28-120 says that overpayments can be recovered by repayment or offset against future benefits. The proposed amendment eliminates account adjustments as an offset option.

It is anticipated that elimination of account adjustments will provide additional protection to claimants. It is an informal method whereby the claimant authorizes the department to deduct the overpayment from past or future unemployment benefits payable to the claimant. Unless specifically requested, the claimant does not receive formal notice of the overpayment. If the proposed changes are adopted, the department will use only formal overpayment assessment procedures. The right of the claimant to repay the overpayment through offset against future benefits payable will not be affected.

Proposal Changes the Following Existing Rules: WAC 192-28-105 and 192-28-120 are amended to eliminate references to account adjustments. Other changes to the regulations are of a housekeeping nature, to simplify language and terminology.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes have no economic impact on businesses in general, or small businesses in particular. The amendments simply eliminate the use of informal account adjustments as a repayment option for claimants. Recovery of the overpayment through repayment or offset against future benefits payable is not affected.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed amendments do not constitute significant legislative rules as that term is defined in RCW 34.05.328. They do not subject a violator to a sanction or penalty; establish or alter any qualification for issuance of a license or permit; or make significant amendments to a regulatory program.

Hearing Location: Employment Security Department, 212 Maple Park, 2nd Floor Conference Room, Olympia, WA, on August 29, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ramona Dahl, Affirmative Action, by August 27, 1996, TDD (360) 902-9569, or (360) 902-9536.

Submit Written Comments to: John Nemes, Rules Coordinator, OMR, P.O. Box 9046, Olympia, WA 98504-9046, FAX (360) 438-3226, by August 27, 1996.

Date of Intended Adoption: September 12, 1996.

July 22, 1996  
Gary Moore  
Commissioner

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AMENDATORY SECTION (Amending WSR 88-10-021, Order 4-88, filed 4/29/88)

**WAC 192-28-105 Recovery of benefit overpayment—(Notification to individual) Overpayment advice of rights.** (1) When ~~((the department has))~~ there is information ~~((which causes it to believe))~~ that you may have been overpaid ~~((an individual has been paid more))~~ benefits ~~((than he or she is entitled to receive))~~, the department will provide ~~((that individual))~~ you with ~~((a written notice, the))~~ an overpayment advice of rights, in writing, explaining ~~((that a potential overpayment exists. This notice shall contain))~~ the following:

(a) The reasons ~~((for the department's belief that the individual has))~~ you may have been overpaid ~~((benefits:))~~;

(b) The amount of the possible overpayment as of the ~~((mailing or delivery date of the overpayment advice of rights:))~~ date the notice is mailed;

(c) The fact that the department will collect overpayments as provided in ~~((accordance with))~~ WAC 192-28-120(-);

(d) The fact that final overpayments are ~~((assessments constitute))~~ legally enforceable debts which must be repaid ~~((individuals are liable to repay))~~ whether or not ~~((they))~~ you are claiming ~~((or receiving))~~ unemployment benefits(-);

(e) The fact that ~~((T))~~ these debts can be ~~((used to obtain))~~ the basis for warrants which ~~((could))~~ can result in liens, notices to withhold and deliver personal properties, garnishment of salaries, and possible sale of real and personal properties(-);

~~((e))~~(f) An explanation that if ~~((an individual is found to be))~~ you are not at fault, ~~((he or she has the right to))~~ you may request a waiver of the overpayment. ~~((and that w))~~ Waiver means the ~~((individual would not have to repay the))~~ overpayment ~~((because it would be against the principles of equity and good conscience:))~~ does not have to be repaid; and

~~((f))~~ An explanation that at the individual's request, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action whether formal or informal, will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment, even after an account adjustment has been completed(-)

(g) A statement that ~~((an individual has))~~ you have 10 days to submit information ~~((to the local job service center regarding or disputing))~~ about the ~~((existence of an))~~ possible overpayment and whether ~~((or not he or she was))~~ you are at fault. ~~((Failure to do so will result in))~~ If you do not do so, the department ~~((making))~~ will make a decision(-) based on available information(-) ~~((regarding the existence of))~~ about the overpayment and ~~((the individual's))~~ your eligibility for waiver.

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/20/95)

**WAC 192-28-120 Recovery of benefit overpayment—By repayment or ((offset against)) deduction from past or future benefits.** (1) If you do not repay ~~((A))~~ an overpayment ~~((may be recovered either by offset or repayment by the individual))~~ in full or ~~((by paying))~~ make the minimum monthly ~~((billed amount))~~ payment ~~((as defined))~~ provided for in WAC 192-28-130(-); ~~((If not repaid by the individual, the amount assessed shall))~~ the overpayment will be deducted from benefits payable for any ~~((future))~~ week(s) ~~((claimed))~~ you claim.

(a) If ~~((any recovery procedure is in conflict with))~~ federal regulations require the department to use other procedures to collect the overpayment, the federal regulations ~~((shall))~~ will apply.

(b) Interest and court costs cannot be deducted from your future weekly benefits. You must pay these costs yourself.

(2) For overpayments ~~((that are final and))~~ assessed ~~((pursuant to))~~ under RCW 50.20.010 because ~~((the individual at))~~ you asked to have ~~((his or her claim for))~~ your unemployment insurance claim cancelled, the amount ~~((to be))~~ deducted will be one hundred percent of benefits payable for each ~~((past or future))~~ week ~~((s))~~ ~~((claimed))~~ you claim. The department will ensure ~~((that the individual was properly))~~ you are informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.

(3) ~~((When an individual enters into current claim status))~~ If you are currently claiming benefits, the overpayment will not be ~~((offset))~~ deducted from future weeks payable ~~((provided that the individual has not))~~ unless you have missed two or more payments(-) as ~~((determined by))~~ provided in WAC 192-28-130(-, since the overpayment became final). If ~~((the individual has))~~ you have missed two or more payments, the overpayment will be ~~((offset))~~ deducted as described in ~~((accordance with))~~ (a) and (b) ~~((of this subsection:))~~ below:

(a) ~~((For))~~ If the overpayment ~~((s brought about))~~ was caused by a denial ~~((pursuant to RCW 50.20.070))~~ for fraud, misrepresentation, or wilful nondisclosure as provided in RCW 50.20.070, the amount ~~((to be))~~ deducted will be one hundred percent of benefits payable for each ~~((future))~~ week ~~((s))~~ ~~((claimed))~~ you claim. ~~((Such))~~ These overpayments will be ~~((recouped before any other overpayment the individual may have))~~ collected first.

(b) For all other overpayments, the amount ~~((to be))~~ deducted will be fifty percent of benefits payable for each ~~((future))~~ week ~~((claimed))~~ you claim. ~~((Provided, that at the request of the individual, an))~~ However, you may request the overpayment ~~((can))~~ be ~~((repaid))~~ deducted at one hundred percent of benefits payable for each ~~((future))~~ week ~~((claimed))~~ you claim.

(4) ~~((At the request of the individual, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action will be~~

~~taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment even after an account adjustment has been completed.~~

~~(5) For an~~) If the overpayment has been assessed by another state, the amount ~~((to be))~~ deducted ~~((for the other state))~~ will be as follows:

(a) ~~((For))~~ If the overpayment ~~((s brought about))~~ was caused by a denial for fraud, misrepresentation, or wilful nondisclosure, the amount ~~((to be))~~ deducted will be one hundred percent of benefits payable for each ~~((future))~~ week ~~((s))~~ ~~((claimed))~~ you claim. ~~((Such))~~ These overpayments will be ~~((recouped before any other overpayment the individual may have))~~ collected first.

(b) For all other overpayments, the amount ~~((to be))~~ deducted will be fifty percent of benefits payable for each ~~((future))~~ week ~~((claimed))~~ you claim. ~~((Provided, that at the request of the individual, an))~~ However, you may request the overpayment ~~((can))~~ be ~~((repaid))~~ deducted at one hundred percent of benefits payable for each ~~((future))~~ week ~~((claimed))~~ you claim.

~~((6))~~ (5) ~~((Those individuals who))~~ If you have been denied waiver, ~~((as well as those individuals for whom))~~ or if waiver was not considered, you will be notified in writing of ~~((their))~~ your right to enter into a payment agreement with the department or to make an offer in compromise. ~~((Of))~~ An offer in compromise will not be approved ~~((for individuals whose))~~ if the overpayment was ~~((brought about))~~ caused by a denial ~~((pursuant to))~~ under RCW 50.20.065 or 50.20.070 unless there are unusual circumstances which would justify a compromise.

**WSR 96-15-128**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed July 24, 1996, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-083.

Title of Rule: Computer loan origination rules.

Purpose: To establish rules governing computerized loan origination by parties other than mortgage brokers.

Statutory Authority for Adoption: RCW 43.320.040, 19.146.020 (1)(h), and 19.146.225.

Statute Being Implemented: Chapter 19.146 RCW.

Summary: These rules establish the requirements for offerors of computer loan origination (CLO) systems and services.

Reasons Supporting Proposal: The rules provide guidance to CLO system and service providers so they can provide services without being required to be licensed as a mortgage broker.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ed Burgert, Program

Manager, 300 General Administration Building, Olympia, (360) 902-8727.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The statute allows mortgage brokers to provide consumer loan origination (CLO) services if the mortgage broker conforms with the rules of the director. When responsibility for administering the Mortgage Broker Practices Act was changed from the Department of Licensing to the Department of Financial Institutions, no rule regarding CLO services was in place. This rule puts into rule the statutory restrictions on parties providing such services, and provides guidance to CLO system and service providers so they may offer their services without violating the Mortgage Broker Practices Act.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impose any cost not already necessitated by statute.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. In accordance with section 201(5), not applicable.

Hearing Location: 300 General Administration Building, Olympia, WA, on September 11, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Victoria W. Sheldon by September 4, 1996, TDD (360) 664-8126.

Submit Written Comments to: Ed Burgert, FAX (360) 586-5068, by September 10, 1996.

Date of Intended Adoption: September 11, 1996.

July 24, 1996

Mark Thomson

Assistant Director

Division of Admin. and CS

**NEW SECTION**

**WAC 208-660-025 Computer loan origination services and systems.** (1) **Definitions.** "Computer loan origination (CLO) services" means the provision of information to consumers by a mortgage broker, lender, real estate agent or other person regarding interest rates and other loan terms available from different lenders.

"CLO system" means computer hardware or software which facilitates the provision of CLO services to consumers.

"CLO service provider" means a party who provides CLO services to consumers.

"CLO system provider" means a party who provides a CLO system to CLO service providers.

(2) **CLO service providers may be subject to licensing.** Unless otherwise exempt under RCW 19.146.020, any person or broker providing CLO services is subject to licensing as a mortgage broker under chapter 19.146 RCW, if the person or broker:

(a) Holds himself or herself out as able to obtain a residential mortgage loan for a consumer from a lender;

(b) Accepts a loan application from a consumer, assists a consumer in completion of a loan application, or submits



a loan application on behalf of a consumer to a mortgage broker or lender;

(c) Accepts deposits from a consumer for payment of third-party services or any fees in connection with a loan, whether the fees are paid before, upon, or after the closing of the loan;

(d) Negotiates the interest rates or terms of a loan with the mortgage broker or lender on behalf of a consumer; or

(e) Provides to the consumer a good faith estimate or other disclosure required of mortgage brokers or other lenders by state or federal law.

**(3) Providers of CLO services must make disclosures.**

If the consumer of the CLO service pays for the CLO service either directly or indirectly, the CLO service provider shall give a disclosure statement to the consumer. The disclosure statement shall state:

(a) The amount of the CLO fee which the CLO service provider charges the consumer for the CLO service;

(b) That the use of the CLO system is not required to obtain a residential mortgage loan; and

(c) That the full range of products available may not be listed on the CLO system, and better terms and conditions, including lower rates, may be available from others not listed on the system.

**(4) Disclosure statement must be provided to consumer and retained by the CLO service provider.** Each CLO service provider must give the consumer a copy of the disclosure form when the first CLO service is provided to the consumer. The consumer shall sign and date the disclosure statement as evidence that the consumer received the form. CLO service providers must retain copies of written disclosure statements signed by consumers at an in-state office for two years.

**(5) Mortgage brokers may provide CLO systems—Conditions.** A licensed mortgage broker may provide CLO systems to CLO service providers. Prior to providing any CLO system to a CLO service provider, a mortgage broker subject to licensing must notify the director in writing of its intent to provide the service. The notification shall include:

(a) Copies of any and all agreements between the licensee and the CLO service provider, including any and all business names and addresses where CLO services will be provided;

(b) Copies of any and all CLO disclosure statements which the CLO service provider shall give to consumers in connection with the provision of the CLO services.

**(6) CLO system providers and CLO service providers responsible for violations.** The department may hold both CLO service providers and CLO system providers responsible for any and all violations of chapter 19.146 RCW or chapter 208-660 WAC, and subject either or both the licensee or the service provider to any and all applicable fines and penalties.

**WSR 96-15-129**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed July 24, 1996, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-084.

Title of Rule: IOLTA rule, Office Closure and Clean-up.

Purpose: (1) To allow escrow agents to comply with the supreme court's rules governing limited practice officers; (2) to define who is responsible for tending to matters when an escrow agent closes a main or branch office; and (3) to simplify and update the language and internal references.

Statutory Authority for Adoption: RCW 43.320.040 and 18.44.320.

Statute Being Implemented: Chapter 18.44 RCW.

Summary: (1) Allows escrow agents to have interest bearing trust accounts if required by supreme court rules APR 12.1 and 12(h); (2) requires an escrow agent that is closing a branch or main office to declare who will be responsible for the records and trust account; and (3) eliminates references to the Department of Licensing, updates and simplifies other language, and updates internal references.

Reasons Supporting Proposal: To allow licensees to comply with the supreme court's rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ed Burgert, Program Manager, 300 General Administration Building, Olympia, (360) 902-8727.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The Washington Supreme Court passed APR 12.1 and 12(h) requiring that limited practices officers (LPO) use interest bearing trust accounts for all transactions for which they are responsible. Many escrow agents employ LPOs, but the current rules do not allow escrow agents to use interest bearing trust accounts. The proposed rule will allow escrow agents to have interest bearing trust accounts for transactions handled by LPOs; (2) currently there is confusion about who is responsible for the records and trust accounts of an escrow agent that closes a branch or main office. This rule clearly establishes such responsibility; and (3) the escrow agent program was originally established in the Department of Licensing. The language needs to be updated to reflect that the Department of Financial Institutions is now responsible for the program and to update internal references.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. The revised rules do not impose any additional cost other than the cost of complying with supreme court rule APR 12.1 and 12(h). The department mailed a survey to fifty of one hundred ninety escrow agents. Eleven responded. Although they indicated that complying with the IOLTA rule would impose additional costs, they also indicated that those costs were due to the supreme court rule and not the Department of Financial Institution's proposed rule. Some licensees responded that the office closure rule would impose costs, but after reviewing the rule carefully, the department has determined that it does not impose any additional cost on licensees.



Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. In accordance with section 201(5), not applicable.

Hearing Location: 300 General Administration Building, Olympia, WA, on September 4, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Victoria W. Sheldon by August 28, 1996, TDD (360) 664-8126.

Submit Written Comments to: Ed Burgert, FAX (360) 586-5068, by September 10, 1996.

Date of Intended Adoption: September 11, 1996.

July 24, 1996

Mark Thomson

Assistant Director

Division of Admin. and CS

**AMENDATORY SECTION** (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-020 Organization.** The ~~((escrow program of the))~~ department of ~~((licensing))~~ financial institutions administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director ~~((of the department of licensing))~~ or designee and five board members, appointed by the ~~((governor))~~ director, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. ~~((Information regarding escrow licenses, the escrow commission or the escrow program may be obtained by writing to the Program Manager, Escrow Program, Department of Licensing, P.O. Box 9015, Olympia, Washington 98507.))~~

**AMENDATORY SECTION** (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-030 Meeting notice.** Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written request to the ~~((Program Manager Escrow Program,))~~ Department of ~~((Licensing, P.O. Box 9015, Olympia, Washington 98507))~~ Financial Institutions.

**AMENDATORY SECTION** (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680A-040 Definitions.** ~~((+))~~ The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

~~((2))~~ "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

"Closing" means the transfer of title of real or personal property or execution of a real estate contract whichever event occurs first.

~~((3)) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.~~

~~(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.~~

~~(5))~~ "Completed escrow" means a transaction in which the escrow agent has fully discharged its duties to the principals to the transaction. This includes preparing all necessary documents, obtaining required signatures, completing reconveyance or title elimination, and disbursing funds to the principals to the transaction and to third parties as agreed by the principals in the escrow instructions or on the HUD-1 form.

"Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

~~((6))~~ "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

"Unclaimed funds" are those funds for which the rightful owner is unknown, or the location of payee is unknown, or stale-dated checks which have not been cashed.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 208-680A-010 Promulgation—Authority.

**AMENDATORY SECTION** (Amending WSR 91-11-066, filed 5/16/91, effective 6/16/91)

**WAC 208-680B-080 Escrow officer and agent fees.** ~~((On July 1, 1991,))~~ The director shall charge the following fees ((shall be charged by the professional licensing division of the department of licensing)):

Title of Fee	Fee
<b>Escrow officer:</b>	
First examination	\$150.00
Reexamination	150.00
Original license	160.00
License renewal	160.00
Transfer of license, name or address change or license activation	25.00
Duplicate license	25.00
<b>Escrow agent:</b>	
Application and original certificate	345.00
Renewal	345.00
Late renewal with penalty	517.50
Transfer of certificate, name or address change	25.00
Duplicate certificate	25.00

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Escrow agent branch office:	
Application and original license	345.00
Renewal	345.00
Late renewal with penalty	517.50
Transfer of license, name	
or address change	25.00
Duplicate license	25.00

NEW SECTION

**WAC 208-680C-045 Closure of office.** (1) **Effect of closure.** When the main office of an escrow agent closes, all branch offices must close. When a branch office closes and the main office remains licensed, the responsibility for records maintenance and trust accounting reverts to the main office.

(2) **Notification.** When either the main office or a branch office of an escrow agent closes, all responsible persons are jointly and severally obliged to notify the department within thirty days of closure.

(a) "Responsible person" means: The designated escrow officer; the owner of the firm; a controlling person as defined in RCW 18.44.010(9); and the officers, owners and partners of the entity. The department may allow a person other than a responsible person as defined in this subsection to assume these duties.

(b) The official notification to the department shall include:

(i) All original escrow licenses for offices being closed, dated and signed. If a branch office is closing, the branch office license must be returned to the department. If the main office is closing, all licenses issued to the main and all branch offices must be returned.

(ii) An itemized accounting of funds held in trust at the time of closure, including the principal(s) to the transaction, the escrow number, the amount of funds held and the purpose of the funds. If the trust bank account balance is zero, the escrow agent must provide a reconciliation of the trial balance supporting the zero balance.

(iii) The name, residence address and telephone number of the person responsible for the records.

(iv) The street address where the records are located.

(c) All responsible persons are jointly and severally obliged to notify the department within thirty days of any change in the person responsible for the records or the place the records are maintained.

(3) **Maintenance of records after closure.** When an escrow office closes, the records must be maintained in the state of Washington for at least six years. The records shall be available upon demand of the department during business hours and maintained in a manner to be readily retrievable.

(4) **Trust account.** If the trust bank account contains client funds at the time of closure, the person responsible for the records shall provide the department with quarterly reconciliations of the trust bank account to the trial balance until the trust bank account balance is zero. The responsible person shall submit the reconciliations for the periods ending March, June, September and December. These reconciliations are due within thirty days of the end of the preceding period.

AMENDATORY SECTION (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680D-030 Accuracy and accessibility of records.** (1) **Accuracy.** All records shall be accurate, posted and kept up to date.

(2) **Location.** The escrow agent must maintain all records ~~((shall be kept))~~ available for inspection by the department for a minimum of six years at an address where the escrow agent is licensed to maintain an escrow office. ~~((Such records shall be retained and available for inspection by the department for a minimum of six years: *Provided, however, That*)~~ Records of transactions ((closed or completed for one year or more)) may be stored at a remote location after the escrow has been completed for at least one year. ((If the) Records ((are)) stored at a remote location((, the records)) shall be available upon demand of the department during business hours and maintained in a manner to be readily retrievable.

~~((2) Upon closing,))~~ (3) **Permanent storage.** After completion of the escrow transaction records may be stored on ((magnetic)) permanent storage media, such as optical disk or microfilm, provided the retrieval process does not permit modification of the documents. "Retrieval process" ((is defined as)) means the on-site ability to view and print the document in its original form. The escrow agent must have in its records a statement signed by the supplier of the permanent storage system that the ((program)) system does not permit the user to modify a document after it has been permanently stored ((on the media)).

(4) **Restrictions on storage.** Transactions and accounting records may not be stored at a remote location or on permanent storage media as described in subsection (2) or (3) of this section if there are funds relating to the transaction, such as reconveyance on holdbacks, remaining in the trust bank account.

AMENDATORY SECTION (Amending Order RE 122, filed 9/21/77)

**WAC 208-680D-050 Expeditious performance.** An escrow agent shall perform all acts required of the agent by agreement as expeditiously as possible and within the time period of the agreement. The escrow agent shall accomplish the reconveyance, title elimination, title transfer, or other release or security interest or lien as provided in RCW 61.16.020 and 61.16.030, or as otherwise agreed by the parties. Intentional or negligent delay in ~~((such))~~ performance shall be considered in violation of RCW 18.44.260(2).

AMENDATORY SECTION (Amending Order PM 790, filed 11/14/88)

**WAC 208-680D-060 Disbursement of funds.** The escrow agent shall disburse funds as set forth in the escrow instructions. Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5). If the ownership of the funds is in dispute or is unclear based on the written agreement of the parties, the escrow agent may interplead the funds into a court of competent jurisdiction pursuant to chapter 4.08 RCW.

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Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: *Provided*, That disbursement of funds may be withheld to allow for checks to clear.

**AMENDATORY SECTION** (Amending WSR 94-04-050, filed 1/31/94, effective 3/3/94)

**WAC 208-680E-011 Administration of funds held in trust.** The designated escrow officer or branch designated escrow officer on behalf of the escrow agent shall be responsible for all funds received from any principal or any party to an escrow transaction or escrow collection account and shall hold the funds in trust for the purposes of the transaction or agreement and shall not utilize such funds for the benefit of the agent or any person not entitled to such benefit. The escrow agent shall establish a trust bank account(s) in a recognized Washington state depository. The escrow agent is responsible for depositing, holding, disbursing, and accounting for funds in trust as provided herein.

(1) The trust bank account(s) shall be designated as a trust account in the name of the escrow agent as certified. Trust bank accounts shall be noninterest bearing demand deposit accounts except as follows:

(a) Interest-bearing trust bank accounts or dividend earning investment accounts containing funds pertaining to an individual escrow transaction or escrow collection account may be established by the agent if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an owner, vendor, lessor, etc., involving escrow collections may be established by the agent when directed by written agreement or directive signed by the principals: *Provided*, That all interest or earnings shall accrue to the principals as directed in the agreement.

(c) Interest-bearing trust bank accounts containing funds pertaining to transactions in which a limited practice officer has prepared documents under authorization set forth in APR 12(d).

(2) The agent shall establish and maintain a system of records and procedures as provided in this section. Any alternative records or procedures proposed for use by the escrow agent shall be approved in advance by the department.

(3) The agent is responsible for the disbursement of all funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the agents behalf. The designated escrow officer must have signatory authority on all trust bank accounts. At the discretion of the designated escrow officer, branch designated escrow officers may be delegated signature authority for trust bank accounts at their branch.

(4) All funds received for any reason pertaining to an escrow transaction or collection account shall be deposited in the escrow agents trust bank account(s) not later than the first banking day following receipt thereof except funds owned exclusively by the agent.

(5) All funds received shall be identified by the day received and by the amount, source, and purpose on either a cash receipts journal or duplicate receipt which shall be retained as a permanent record.

(6) All deposits to the trust bank account(s) shall be documented by a duplicate bank deposit slip, validated by bank imprint or attached deposit receipt which shall bear the signature of the authorized representative of the agent indicating that the funds were actually deposited into the proper trust bank account. Receipt of funds by wire transfer are to be posted in the same manner as other receipts and there shall be a traceable identifying name or number supplied by the financial institution or transferring entity. The agent must also make arrangements for a follow-up "hard copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each escrow transaction for which funds are received in trust and to which all receipts and disbursements shall be posted.

(a) Credit entries must show the date of deposit or wire transfer, amount, and name of remitter.

(b) Debit entries must show the date of check, check number, amount of check, and name of payee.

(8) The reconciled trust bank account(s) must equal at all times the outstanding trust liability to clients. The outstanding trust liability to clients must equal the trial balance of all escrows with undisbursed balances.

(9) The agent shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account receipts and disbursement records. The reconciliation will be signed by the designated escrow officer or branch designated escrow officer. Such reconciliations are to be retained as permanent records.

(10) All disbursement of trust funds shall be made by check, drawn on the trust bank account, and identified on the check as pertaining to a specific escrow transaction or collection account except as provided in (a) through (e) of this subsection. The number of each check, amount, date, payee, and the specific client's ledger sheet debited must be shown in the cash register or cash disbursement journal and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipt until the deposit has been verified.

(b) The escrow agent must make arrangements with the financial institution in which the trust bank account is located to provide a follow-up "hard copy" debit memo when funds are disbursed via wire transfer.

(c) The escrow agent shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(d) Transfers between closing escrows may be made by ledger entries alone provided a transfer form is used containing the date of the transfer, the amount of the funds being transferred, the identity of the escrow accounts being debited and credited, and the signature of the person authorized to sign checks on the escrow bank account. Intra-bank debit memo transfer forms may be used only where the escrow accounts involved in the transfer are closed through the same

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bank account. The authorization for the transfer must be placed in each escrow file involved.

(e) Transfers between collection escrows of a recurring nature must be authorized by standing instructions on file from the appropriate parties.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12)(a) A separate check shall be drawn on the trust bank account payable to the escrow agent for escrow and service fees for which the escrow agent is authorized payment therefor as provided in the escrow instructions. All such fees relating to the transaction may be withdrawn by a single check provided such check is supported by an itemization of the charges on the closing or settlement statement. Each check shall bear the escrow or transaction number.

(b) Collection account fees may be withdrawn by a single check provided such check is supported by a schedule of fees identified to each individual account. Such fees shall be withdrawn at least once monthly or as provided in the collection contract agreement if the fees are payable for a greater term than monthly.

(13) No deposits to the trust bank accounts shall be made of funds that do not pertain to an escrow transaction or not received in connection with an escrow collection account, or that belong to the agent, including fees to "open" the bank account or to keep the account from being closed.

(14) No disbursement from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account;

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions, to any person or for any reason without a written release from all principals of the escrow transaction or collection account, except that if the earnest money agreement terminates according to its own terms prior to closing, disbursement of earnest money funds shall be made as provided by the earnest money agreement without a written release unless the funds are handled as provided in WAC ((~~308-128D-060~~) 208-680D-060);

(c) Pertaining to a specific escrow transaction or collection account in excess of the actual amount held in the trust bank account in connection with such account;

(d) In payment of a fee owed to any employee of an agent or in payment of any business expense of the agent. Payment of fees to employees of an agent or of any business expense of the agent shall be paid from the regular business bank account of the agent;

(e) For bank charges of any nature. Arrangements must be made with the bank to have any such charges applicable to the trust bank accounts charged to the regular business bank account, or to provide a separate statement of bank charges so that they may be paid from the agents regular business bank account: Provided, That bank charges may be paid from the interest on accounts allowed under subsection (1)(c) of this section;

(f) For preauthorization of payments by the financial institution for recurring expenses such as mortgage payments on behalf of the owner if the account contains tenant security deposits or funds belonging to more than one client;

(g) Of funds received as a damage or security deposit involving a lease or rental contract, to the property owner or to any person(s) without the written authority of the lessee. Such funds are to be held until the end of the tenancy when they are to be disbursed to the person(s) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(h) If the financial institution's automated system does not have the ability to charge fees to another account, or does not provide a separate statement for the service fees as required by (e) of this subsection, and the account is debited for service fees, the escrow agent shall deposit within one banking day after receipt of notice funds from the general business or other nontrust account to cover the service fee charged.

(15) The provisions of this section are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files;

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record;

(c) The escrow agent will maintain a printed, dated source document file to support any changes to existing accounting records;

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution's computer;

(f) All checks written must be included within the computer accounting system.

(16) Unclaimed funds are governed by the Uniform Unclaimed Property Act of 1983, chapter 63.29 RCW. If the agent has funds classified as unclaimed, the designated escrow officer or branch designated escrow officer shall contact the department of revenue for disposition instructions. The agent shall maintain a record of the correspondence relating to unclaimed funds for a period of five years.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

**WAC 208-680F-040 Return of cash deposit or securities.** (1) The cash deposit or securities shall be returned to the escrow agent upon the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: *Provided*, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC ((~~308-128F-050~~) 208-680F-050) prior to the expiration, cancellation, or revocation of the escrow agents certificate of registration.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

AMENDATORY SECTION (Amending Order PM 763, filed 9/9/88)

**WAC 208-680F-050 Claim on cash deposit or securities.** (1) Upon receipt of notification of a legal action for which notice is required to be given to the department under WAC ((308-128D-070)) 208-680D-070, the department shall notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) A claim against the cash deposit or securities shall be in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of \$50,000 after payment of the claim.

**WSR 96-15-137  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Filed July 24, 1996, 11:44 a.m.]

Supplemental Notice to WSR 96-09-105.  
Continuance of WSR 96-09-105.

Preproposal statement of inquiry was filed as WSR 96-04-068.

Title of Rule: Commercial fishing rules.

Purpose: To continue proposed new section WAC 220-47-427 in order to establish eligibility criteria for participation in the proposed emerging commercial fishery. Also to establish requirements for retaining a permit.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.30.220.

Summary: Establishes eligibility criteria, method of selection, participation requirements, and process for reissuance of experimental fishery permits.

Reasons Supporting Proposal: A strong interest has been expressed in this fishery, and limited participation is needed because of the scope of the fishery and the need for an orderly fishery.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 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: Participation in emerging commercial fisheries where an experimental fisheries permit is required is limited. Criteria for the number of participants is based on recommendations of an advisory board. Such a board was convened on June 26, 1996. The participation criteria in this

proposal are based on these recommendations. Provisions are also established to reissue a permit in the event a person chosen fails to buy the license, fails to participate, or fails to adhere to permit conditions. Since the permit fishery is to protect chum salmon, release of chum salmon is noted in the rule proposal.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal has a minimal effect on the gillnet and purse seine fishing fleet (5 fishers out of approximately 1,500 licensees). The level of interest in the permit fishery is unknown, as is the expected catch, as no salmon beach seine fishery has been permitted in recent years. A mortality of chum salmon will result in an immediate closure of the fishery. The department is unable to quantify how successful the fishery will be, how long it will last, what the potential income to a small business will be, and whether there will be small businesses interested in participating.

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

Hearing Location: Fort Warden Conference Center, 200 Battery Way (Room F - Upnorth), Pt. Townsend, WA 98368, on August 27, 1996, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by August 13, 1996, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by August 26, 1996 [1996].

Date of Intended Adoption: August 28, 1996.

July 24, 1996  
Evan Jacoby  
Rules Coordinator

NEW SECTION

**WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.**

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five Quilcene Bay salmon beach seine experimental fishery permits (Quilcene permits). In order to be eligible to apply for a Quilcene permit, a person must be a current holder of a salmon gill net—Puget Sound fishery license or a salmon purse seine fishery license. Only the owner of the license is eligible to apply.

(3) The following is the selection process the department will use to offer a Quilcene permit.

(a) The department will accept applications for a Quilcene permit until 5:00 p.m. on the fourteenth day prior to the opening of the fishery provided for in WAC 220-47-428.

(b) The department will pool the applications received from gill net fishers and from purse seine fishers separately. The names of two gill net fishers and two purse seine fishers will be drawn randomly. The two pools will be combined and a fifth name will be drawn at random. If there are

insufficient names in either pool, the selection will default to the other gear group.

(c) Successful applicants will be notified immediately, and will have 7 working days from the date of selection to purchase the license. If the license has not been purchased by the close of business on the seventh working day, another name will be drawn from the respective pool or combined pool.

(4) Successful applicants are required to participate in the Quilcene Bay salmon beach seine experimental fishery.

(a) For purpose of this section, "participation" means the holder of the Quilcene permit being aboard the designated vessel in the open fishery area four days each week during the open fishing period.

(b) If the Quilcene permit holder fails to participate, the Quilcene permit issued to that fisher will be void and a new Quilcene permit will be reissued through a random drawing from the pool of the voided permit holder.

(c) The department may require proof of participation by registering with state, federal or tribal officials each day the Quilcene permit holder participates.

(d) Persons who participate, but violate conditions of a Quilcene permit will have the permit voided and a new Quilcene permit will be reissued through a random drawing from the pool of the voided permit holder. Chum salmon may not be retained by a Quilcene permit holder. Chum salmon must be released alive, or, at the direction of federal or state officials, submitted for broodstock purposes.

(5) Any person who fails to purchase the license, fails to participate, or violates the conditions of a Quilcene permit will have his or her name permanently withdrawn from the pools.

(6) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

**WSR 96-14-003**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3984—Filed June 19, 1996, 4:22 p.m.]

Date of Adoption: June 19, 1996.

Purpose: To establish in rule, minimum licensing requirements for adult family homes. New WAC 388-76-535 through 388-76-795.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-010 through 388-76-530.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, and 18.88A.230.

Adopted under notice filed as WSR 96-13-058 on June 14, 1996.

Changes Other than Editing from Proposed to Adopted Version: Only clarifying, technical and editorial changes were made.

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 53, amended 0, repealed 59.

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 53, amended 0, repealed 59.

Effective Date of Rule: Thirty-one days after filing.

June 19, 1996

Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

The rules in this chapter apply to licensing adult family homes and replace any rules on licensing adult family homes found in previous editions of chapter 388-76 WAC.

**PART I**  
**AUTHORITY AND DEFINITIONS**

**NEW SECTION**

**WAC 388-76-535 Authority.** The following rules are adopted under RCWs 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, and 18.88A.230.

**NEW SECTION**

**WAC 388-76-540 Definitions.** (1) "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which

harms a person through action or inaction by another individual.

(3) "Adult family home" means the same as the definition in RCW 70.128.010.

(4) "Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

(5) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home who receive special care.

(6) "Caregiver" means any person eighteen years of age or older responsible for providing direct personal care to a resident and may include but is not limited to the provider, resident manager, employee, relief caregiver, volunteer, student, or household member.

(7) "Case Manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

(8) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

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

(10) "Entity provider" means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

(11) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

(12) "Frail elder or vulnerable adult" means the same as the definition in RCW 74.34.020 or RCW 43.43.830.

(13) "Individual provider" means a natural person who is licensed to operate an adult family home.

(14) "Inspection" means an on-site visit by department personnel to determine the adult family home's compliance with this chapter and chapter 70.128 RCW, Adult family homes.

(15) "Multiple facility provider" means an individual or entity provider who is licensed to operate more than one adult family home.

(16) "Neglect" means a pattern of conduct or inaction resulting in deprivation of care necessary to maintain a resident's physical or mental health.

(17) "Nursing assistant" means the same as the definition in chapter 18.88A RCW.

(18) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-15-202(38), Long-term care services—Definitions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(19) "Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

(20) "Provider" means any person or entity that is licensed under this chapter to operate an adult family home.

(21) "Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. "Resident" includes former residents when examining complaints about admissions, readmissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

(22) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

(23) "Special Care" means care beyond personal care services as defined by subsection (18) of this section.

(24) "Unsupervised" means the same as the definition in RCW 43.43.830(8).

## PART II ADULT FAMILY HOME LICENSE

### NEW SECTION

**WAC 388-76-545 License required.** No person or entity shall operate an adult family home without a license under this chapter. An adult family home license is required to provide care to more than one but not more than six adults unrelated to the person(s) providing care in the home.

### NEW SECTION

**WAC 388-76-550 License application—Initial and renewal.** (1) All applications for adult family home licensure or renewal are subject to review under this chapter.

(2) To apply for an adult family home license, an applicant shall complete and submit a license application on department provided forms at least sixty days before the requested effective date of that license.

(3) For renewal of an adult family home license, the provider shall complete and submit a renewal application on department provided forms at least sixty days before the current license's expiration date. The license must be renewed annually to remain valid.

(4) The applicant shall complete the department designated application form providing all information necessary, including information regarding any facilities and homes for the care or provision of services to children or vulnerable adults that the applicant is or has been affiliated with in the last ten years, so the department can determine whether the applicant meets all applicable qualifications and requirements. An entity shall provide this information with regard to any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant.

(5) All entity providers shall include their Unified Business Identifier (UBI) and Federal Employer Identification (FEI) numbers on the application.

(6) Married couples may not apply for separate adult family home licenses for each spouse.

(7) The license applicant shall be the person or entity ultimately responsible for the daily operation of the adult family home. The license applicant or the applicant's authorized representative shall sign the adult family home license or renewal application.

(8) An applicant who enters into a lease or contractual agreement with a landlord who takes an active interest in the operation of the adult family home, shall include the landlord's name and address on the license or renewal application. Active interest includes but is not limited to:

- (a) The charging of rent as a percentage of the business;
- (b) Assistance with start up and operational expenses;
- (c) Collection of resident fees;
- (d) Recruitment of residents;
- (e) Management oversight;
- (f) Assessment and negotiated service plan development for residents; or

(g) The provision of personal or special care to residents.

(9) The department shall not commence review of an incomplete license or renewal application, and incomplete applications shall become void sixty days following the department's written request for additional documentation or information to complete the application.

(10) An adult family home license shall be valid for up to one year.

### NEW SECTION

**WAC 388-76-555 License fees.** (1) The adult family home license fee is fifty dollars per home per year.

(2) The provider shall submit the annual license fee to the department at the time of the application for license renewal. The annual license fee shall be refundable if the department denies the license renewal application.

(3) For the initial licensure of a new adult family home, the license applicant shall submit the annual license fee with the license application. The annual license fee shall be refundable if the department denies the license application.

(4) Applicants completing an initial license application shall submit a fifty dollar processing fee with the application in addition to the required annual license fee payment. The processing fee is nonrefundable.

### NEW SECTION

**WAC 388-76-560 License eligibility—Initial and renewal.** (1) The department shall consider separately and jointly as applicants each person and entity named in an application for an adult family home license. If the department finds any person or entity unqualified, the department shall deny the license.

(2) In making a determination whether to grant an adult family home license, the department shall review:

- (a) The information in the application; and
- (b) Other documents and information the department deems relevant, including inspection and complaint investigation findings in each facility or home for the care or provision of services to children or vulnerable adults with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant is or has been affiliated.

(3) The applicant and the home for which the license is sought shall comply with all requirements established by chapter 70.128 RCW and this chapter. The department may deny a license for noncompliance with any such requirements.



(4) An individual provider shall be twenty-one years of age or older and all providers shall be registered with the department of health as required by RCW 70.128.120.

(5) The department shall deny a license if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a license:

(a) Revocation or suspension of a license for the care of children or vulnerable adults;

(b) Enjoined from operating a facility for the care of children or adults; or

(c) Revocation, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children or vulnerable adults.

(6) The department shall deny, suspend, revoke, or refuse to renew a license if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or RCW 43.43.842;

(b) Convicted of a crime relating to financial exploitation as defined under RCW 43.43.830 or RCW 43.43.842;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(7) The department shall deny, suspend, revoke, or refuse to renew a license if any person who lives in the home or who has unsupervised access to residents meets any of the criteria defined under subsection (6) of this section.

(8) The department may deny, suspend, revoke, or refuse to renew a license if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(c) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;

(d) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children or vulnerable adults;

(e) Engaged in the illegal use of drugs or the excessive use of alcohol;

(f) Operated a facility for the care of children or adults without a license;

(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;

(h) Misappropriated property of residents;

(i) Been denied a license or license renewal to operate a facility that was licensed for the care of children or vulnerable adults;

(j) Relinquished or returned a license in connection with the operation of any facility for the care of children or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license;

(k) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes;

(l) Refused to permit authorized department representatives to interview residents or have access to resident records;

(m) Interfered with a long term care ombudsman in the performance of his or her official duties; or

(n) Exceeded licensed capacity in the operation of an adult family home.

(9) The department shall deny or refuse to renew an adult family home license to an applicant who is licensed to care for children in the same home unless:

(a) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(b) The applicant provides satisfactory evidence to the department of the home's capability to meet the needs of children and adults residing in the home; and

(c) The total number of persons receiving care in the home does not exceed the number permitted by the licensed capacity of the adult family home.

(10) The department's renewal of a license does not preclude the department from taking any action under WAC 388-76-705 based on inspection.

#### NEW SECTION

**WAC 388-76-565 Resident manager and live-in requirements.** (1) The adult family home provider shall either:

(a) Reside at the adult family home; or

(b) Employ or otherwise contract with a qualified resident manager who resides at the adult family home and who is responsible for the care of residents at all times.

(2) An entity provider must designate a qualified resident manager.

(3) The provider or resident manager shall be exempt from the requirement to live at the adult family home if:

(a) The adult family home has twenty-four hour staffing coverage; and

(b) A qualified staff person or caregiver who can make needed decisions is always present.

(4) Multiple facility providers shall have a qualified resident manager for each adult family home who is respon-

sible for the care of residents at all times. Resident managers may not manage more than one adult family home.

(5) A resident manager shall be twenty-one years of age or older.

#### NEW SECTION

##### **WAC 388-76-570 Additional license requirements—**

**Multiple facility providers.** (1) The department shall not issue a license to a provider to operate more than one adult family home unless:

(a) The applicant has operated an adult family home for at least one year in this state without any significant violation of the rules of this chapter; or

(b) The applicant has submitted evidence demonstrating that it has the capability to operate multiple adult family homes.

(2) An applicant that is applying to be licensed for more than one adult family home shall submit to the department for each adult family home:

(a) A twenty-four hour per day, seven days per week, staffing plan; and

(b) A plan for covering administrative responsibilities.

(3) The department may consider the applicant's credit history in determining whether to license the applicant for more than two adult family homes, when the department determines the credit history relates to an applicant's ability to provide care and services to vulnerable adults.

(4) When operating two or more adult family homes, a provider shall successfully complete forty-eight hours of residential care administrator's training, including training in at least the following areas:

(a) Business planning and marketing;

(b) Fiscal planning and management;

(c) Human resource planning;

(d) Resident health services;

(e) Nutrition and food service;

(f) Working with people who are elderly, chronically mentally ill, or developmentally disabled;

(g) The licensing process;

(h) Social and recreational activities;

(i) Resident rights;

(j) Legal issues;

(k) Physical maintenance and fire safety; and

(l) Housekeeping.

(5) A provider who is operating more than one adult family home prior to the effective date of this chapter, shall have until June 1, 1997 to complete the residential care administrator's training.

(6) A provider who applies for a license to operate more than one adult family home on or after the effective date of this chapter, shall complete the residential care administrator's training prior to operating more than one family home.

#### NEW SECTION

**WAC 388-76-575 Licensing of state employees.** (1) Aging and adult services administration employees and any member of an employee's household shall be prohibited from obtaining an adult family home license.

(2) Department employees and any member of the employee's household shall be prohibited from obtaining an

adult family home license when the employee's duties include:

(a) Placement of persons in a licensed adult family home; or

(b) Authorizing payment for such persons.

#### NEW SECTION

**WAC 388-76-580 License capacity.** (1) The department shall license an adult family home for no more than six residents. The license capacity includes:

(a) All unrelated adults who need personal or special care; and

(b) Other household members, including relatives, who receive special care.

(2) The department shall license an adult family home for the care of two to six residents. In determining the appropriate capacity, the department shall consider:

(a) The structural design of the house;

(b) The number and qualifications of staff;

(c) The total household composition, including children and other household members who require personal or special care;

(d) The number of persons for whom the home provides adult day care;

(e) The needs of all persons residing in the home; and

(f) Safe evacuation of all people living in the adult family home.

#### NEW SECTION

**WAC 388-76-585 Change of provider or provider address.** (1) A change of provider occurs when there is a substitution of:

(a) The provider ultimately responsible for the daily operational decisions of the adult family home; or

(b) Control of an entity provider.

(2) Events which constitute a change of provider include but are not limited to the following:

(a) The form of legal organization of the provider is changed (e.g., an individual provider forms a partnership, corporation, or association);

(b) Operational responsibilities are transferred by the initial provider to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the adult family home is also transferred;

(c) Two individuals are both licensed as a married couple to operate the adult family home and an event, such as divorce, occurs which results in only one of the individuals operating the home;

(d) If the provider is a partnership, any event occurs which dissolves the partnership;

(e) If the provider is a corporation, and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation which is the survivor; or

(iii) Consolidates with one or more corporations to form a new corporation;

(f) If the provider is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four month period, fifty percent or more of the stock is transferred to one or more:

(i) New or former stockholders; or

(ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(g) Any other event or combination of events which results in a substitution or substitution of control of the provider.

(3) An adult family home license is not transferable and is only valid for the location and provider listed on the license. A change in either the provider or the location requires a new license.

(4) The operation or ownership of an adult family home shall not be transferred until the new provider has been issued a license to operate the home. The new provider shall comply with license application requirements.

(5) The provider shall not commence operation of an adult family home at a new location until the department has approved a license for that location.

(6) The provider shall notify the adult family home's residents, in writing, at least thirty days prior to the effective date of a change of provider or location.

### NEW SECTION

**WAC 388-76-590 Specialty adult family homes.** (1) Beginning September 1, 1996, an applicant or provider may apply for a designation as a specialty adult family home to serve and meet the unique needs of residents with:

- (a) Developmental disabilities;
- (b) Mental illnesses; or
- (c) Dementia.

(2) An adult family home is not required to have a specialty designation to serve residents identified in subsection (1) above.

(3) **Developmental Disabilities.** To be designated as a home specializing in services to residents with developmental disabilities the provider or resident manager, in addition to complying with all other rules in this chapter, shall:

(a) Complete the department approved supplemental training addressing the residential support needs for persons with developmental disabilities prior to being designated as a specialty adult family home. Training shall include, at a minimum, courses in positive behavior supports addressing behavior as a means of communication, and the division of developmental disabilities residential services guidelines;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to providing care to persons with developmental disabilities. Training is to be obtained through regional division of developmental disabilities core training courses as offered for community service providers;

(i) The continuing education requirement listed above in subsection (3)(b) shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (3)(a); and

(c) Demonstrate an ability to accommodate for communication barriers of residents and recognize how behaviors may be a means for communication.

(4) A home specializing in services to residents with developmental disabilities shall provide the degree of supervision needed by residents and specified in the

residents' negotiated service plans, which may be less than twenty-four hour supervision.

(5) **Mental Illness.** To be designated as a home specializing in services to residents with mental illnesses, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved specialized mental health training addressing the needs of persons who have a mental illness prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to mental health issues;

(i) The continuing education requirement listed above in subsection (5)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (5)(a) of this section;

(c) Have a documented crisis response plan in place, know how to access emergency mental health services, and assure all caregivers are knowledgeable and capable of implementing the plan in a crisis; and

(d) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times.

(6) **Dementia.** To be designated as a home specializing in services to residents with dementia, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved training course in providing care to persons with dementia prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relate to providing care to persons with dementia;

(i) The continuing education requirement listed above in subsection (6)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (6)(a) of this section;

(c) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times; and

(d) Be designed to accommodate residents with dementia in a homelike environment. The design and environment of the home shall support residents in their activities of daily living; enhance their quality of life; reduce tension, agitation, and problem behaviors; and promote their safety.

NEW SECTION**WAC 388-76-595 Inspections and ombudsman visits.**

(1) The department shall conduct unannounced inspections and complaint investigations to determine the provider's compliance with this chapter and chapter 70.128 RCW.

(2) The provider shall ensure that department staff have access to the home, residents, and all resident records therein and shall not willfully interfere with department staff in the performance of official duties.

(3) The adult family home shall not willfully interfere with a representative of the long term care ombudsman in the performance of official duties, as defined under chapter 43.190 RCW, Long-term care ombudsman program and under federal law.

(4) The department's inspection report shall be mailed to the provider and made available to the public within ten working days of the inspection of the adult family home. If a provider gives the department a plan of correction for deficiencies, the department shall include a statement of the provider's planned corrective measures in the department's inspection report.

### PART III RIGHTS AND SERVICES

NEW SECTION

**WAC 388-76-600 General resident rights.** (1) The provider shall comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The provider shall promote and protect the resident's exercise of all rights granted under that law.

(2) The provider shall have written policies for the services provided, house policies, financial arrangements expected, and the home's policy on refunds and deposits. Prior to admitting any resident, the provider shall provide this information to the prospective resident and his or her surrogate decision maker, if applicable.

(3) The provider shall inform the resident both orally and in writing in a manner and in a language the resident understands when there are changes in:

(a) House policies governing resident conduct and responsibilities during the resident's stay in the adult family home;

(b) Services available in the adult family home;

(c) Charges for available services including charges for services not covered by the home's per diem rate or applicable public benefit programs; and

(d) Refund and deposit policies.

(4) House policies implemented by the provider shall be reasonable and may not conflict with rights granted to the resident under chapter 70.129 RCW, Long-term care resident rights or this chapter.

(5) The resident has the right to be fully informed in language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition as defined under RCW 7.70.060.

(6) The resident has the right to be fully informed in advance about recommended care and treatment and of any recommended changes in that care or treatment.

(7) The provider shall not require or ask the resident to sign any contract or agreement that waives any rights of the resident.

(8) The resident shall be free from abuse, neglect, abandonment, or financial exploitation.

(9) The provider shall comply with all applicable federal and state statutory requirements regarding nondiscrimination.

(10) The provider shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number, and the names, addresses, and telephone numbers of the state licensure office, the state ombudsman program, and the protection and advocacy systems.

NEW SECTION

**WAC 388-76-605 Restraints.** (1) The resident has the right to be free from physical and chemical restraint and involuntary seclusion.

(2) Adult family homes are prohibited from using any and all forms of physical restraint that are used for the purposes of discipline or convenience and are not required to treat the resident's medical symptoms. Treatment of such medical symptoms must be applied and directly supervised by a licensed nurse or a licensed physician.

(3) The provider shall ensure that the resident is free from chemical restraints which are:

(a) Used for discipline or convenience; and

(b) Not required to treat the resident's medical symptoms.

(4) In any situation where a psychopharmacological drug is used for the resident, the provider shall ensure:

(a) That it is not used for the purpose of discipline or convenience;

(b) That it has been prescribed by a physician;

(c) The resident's negotiated service plan provides strategies and approaches to diminish or eliminate use of the psychopharmacological drug, where possible; and

(d) The resident or surrogate decision maker has given informed consent for its use.

NEW SECTION

**WAC 388-76-610 Resident assessment.** (1) The provider shall not admit a resident unless:

(a) The adult family home can meet the resident's assessed needs;

(b) The resident's admission will not adversely affect the provider's ability to meet the needs of other residents in the home; and

(c) All residents and household members can be safely evacuated in an emergency.

(2) For each resident, the provider shall have a current written assessment which describes the resident's:

(a) Medical status;

(b) Strengths and needs;

(c) Activities preferences; and

(d) Preferences and choices regarding issues important to the resident (e.g., food, daily routine).

(3) The provider shall:

(a) Obtain sufficient assessment information to develop a negotiated service plan within fourteen days of the resident's admission; and

(b) Complete the assessment within thirty days of the resident's admission.

(4) The provider shall ensure that the resident's assessment is reviewed and updated for accuracy:

- (a) As needed; and
- (b) At the resident's request.

#### NEW SECTION

**WAC 388-76-615 Negotiated service plan.** (1) Within fourteen days of the resident's admission the provider shall develop a negotiated service plan with the resident which identifies:

- (a) The services to be provided;
  - (b) Who will provide the services; and
  - (c) When and how the services will be provided.
- (2) The provider shall ensure that the negotiated service plan is:

(a) Designed to meet resident needs and preferences currently identified in the assessment; and

(b) Agreed to and signed by the resident or the resident's surrogate decision maker, if applicable.

(3) The negotiated service plan shall be completed with input from:

- (a) The resident to the greatest extent practicable;
- (b) The resident's family, if approved by the resident;
- (c) The resident's surrogate decision maker, if applicable;

(d) Appropriate professionals;

(e) Other individuals the resident wants included; and

(f) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The provider shall ensure that the resident's negotiated service plan is reviewed and revised:

- (a) As needed;
- (b) At the resident's request; and
- (c) If changes or additions to assessment information result in significant changes to the resident's identified needs or preferences and choices.

#### NEW SECTION

**WAC 388-76-620 Provision of services and care.** (1) The provider shall ensure that the resident receives necessary services and care to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with resident choice.

(2) The provider shall encourage and promote resident participation in service planning and delivery.

(3) The provider shall respect the resident's right to decide negotiated service plan goals and treatment choices, including acceptance or refusal of service plan recommendations.

(4) The provider shall ensure that resident services are delivered in a manner and in an environment that:

- (a) Promotes maintenance or enhancement of each resident's quality of life; and
- (b) Reasonably accommodates the resident's individual needs and preferences, except when the health or safety of the resident or other residents would be endangered.

(5) The provider shall ensure that appropriate professionals provide needed services to the resident based upon the resident's assessment and negotiated service plan.

#### NEW SECTION

**WAC 388-76-625 Nurse delegation—Training and registration.** Before performing any delegated nursing task, adult family home staff must:

- (1) Be a nursing assistant certified or registered under chapter 18.88A RCW; and
- (2) Attend and successfully complete department designated core delegation training.

#### NEW SECTION

**WAC 388-76-630 Performance of delegated nursing care tasks.** (1) Adult family home staff who have been delegated a nursing care task in compliance with requirements established by the nursing care quality assurance commission shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in WAC 246-840-910 through 246-840-980;

(b) Only for the specific resident who was the subject of the delegation; and

(c) Only with the resident's consent.

(2) The delegated authority to perform the nursing care task is not transferable to another nurse assistant.

(3) The adult family home staff may consent to perform a delegated nursing care task, and shall be responsible for their own actions with regard to the decision to consent to the performance of the delegated task.

#### NEW SECTION

**WAC 388-76-635 Nurse delegation—Penalties.** The department shall impose a civil fine on any provider or resident manager that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

(1) Two hundred fifty dollars for the first time the department finds an unlawful delegation;

(2) Five hundred dollars for the second time the department finds an unlawful delegation; and

(3) One thousand dollars for the third time or more the department finds an unlawful delegation.

#### NEW SECTION

**WAC 388-76-640 Resident medications.** (1) Prescription medications may be administered only under the order of a physician or health care professional with prescriptive authority.

(2) The provider shall ensure that all prescription and over the counter medications are kept in:

- (a) Locked storage; and
- (b) The medication's original containers with the legible, original label.

(3) Medication organizers may be used when they are filled by:

- (a) The resident;
- (b) A resident's family member;
- (c) The resident's surrogate decision maker acting in accordance with state law; or

(d) A health care professional licensed in Washington state who has had specialized training in medication administration.

(4) Medication organizers shall carry a label which clearly identifies the:

- (a) Name of the resident;
- (b) Medications included; and
- (c) Frequency of dosage.

(5) Adult family home caregivers may assist the resident to self medicate with the consent of the resident or the resident's surrogate decision maker acting in accordance with state law.

(6) Unless he or she is a licensed health professional or has been authorized and trained to perform a specifically delegated nursing task, the caregiver may only assist the resident to self medicate by:

- (a) Reminding the resident when it is time to take a medication;
- (b) Handing the resident the medication container; and
- (c) Opening the resident's medication container.

(7) The adult family home caregiver may administer the resident's oral medication only when the caregiver:

(a) Is a health care professional licensed in Washington state with specialized training in medication administration; or

(b) Has been authorized and trained to perform oral medication administration for the resident as a delegated nursing task in accordance with the requirements established by the nursing care quality assurance commission.

(8) The provider shall maintain a record of all medications administered to and taken by the resident.

(9) The provider shall ensure that injections are only administered to the resident by:

- (a) The resident when he or she is capable;
- (b) A resident's family member;

(c) The resident's surrogate decision maker acting in accordance with state law; or

(d) A health care professional licensed in Washington state who has had specialized training in medication administration.

#### NEW SECTION

**WAC 388-76-645 Resident activities.** (1) The resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the adult family home.

(2) The provider shall provide and promote opportunities for the resident to participate in activities of the resident's choice which are consistent with identified resident needs and functional capacity.

#### NEW SECTION

**WAC 388-76-650 Food services.** The provider shall:

(1) Ensure that food served to the resident meets the nutritional needs of the resident, and takes into consideration the resident's:

- (a) Preferences;
- (b) Caloric need;
- (c) Cultural and ethnic background; and
- (d) Any physical condition making food intake difficult;

(2) Provide a minimum of three nutritious meals in each twenty-four hour period, at regular times comparable to normal meal times in the community;

(3) Make nutritious snacks available to residents between meals and in the evening;

(4) Obtain input from residents in meal planning and scheduling;

(5) Serve nutrient concentrates, supplements, and modified diets only on the written approval of the resident's physician;

(6) Use only pasteurized milk;

(7) Ensure any home-canned foods are processed according to the latest guidelines of the county cooperative extension service;

(8) Serve meals in the home where the residents live; and

(9) When meals are prepared at a separate kitchen facility, ensure that persons preparing food have a food handler's permit and that the food is transported in airtight containers to prevent contamination. The provider or resident manager shall ensure that the food is transported and served at the appropriate and safe temperature.

### **PART IV ADMINISTRATION**

#### NEW SECTION

**WAC 388-76-655 General management and administration.** (1) The provider shall not admit any resident whose needs the provider cannot meet.

(2) The provider shall ensure:

(a) That staff are competent, and receive necessary training to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws; and

(c) The home employs sufficient staff to meet the needs of the residents.

(3) The provider shall maintain liability insurance of at least one hundred thousand dollars per occurrence to cover:

(a) Damage or loss of the resident's property; and

(b) Injury or harm to the resident resulting from:

(i) The provision of services or failure to provide needed services; or

(ii) Incidents occurring in the adult family home or on the home's premises.

(4) A provider who operates only one adult family home shall have evidence of the insurance coverage required by subsection (3) of this section beginning January 1, 1997.

(5) The provider shall ensure that all caregivers are at least eighteen years of age or older.

(6) The provider shall ensure that the provider or resident manager and all caregivers:

(a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

(b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated service plans in order to be able to provide care specific to each resident's needs;

(c) Not engage in the illegal use of drugs or the excessive use of alcohol; and

(d) Possess a valid first aid and CPR card.

(7) The provider shall ensure that there is at all times on the premises at least one caregiver who is literate and capable of understanding written and oral instructions communicated in English in order to be able to respond appropriately to emergency situations.

#### NEW SECTION

**WAC 388-76-660 Training.** (1) Before operating and providing services in an adult family home, individual providers and resident managers shall successfully complete the department's:

(a) Fundamentals of caregiving training; or

(b) Modified fundamentals of caregiving training if they meet the requirements listed in subsection (3) of this section.

(2) Providers shall ensure that:

(a) All caregivers hired in the adult family home on or after the effective date of this chapter successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (3) below;

(b) All caregivers hired in the adult family home prior to the effective date of this chapter successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (3) below; and

(c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include, but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(3) A caregiver who is a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aid from a Medicare certified home health agency, who has successfully completed department approved adult family home training, or department approved personal care training from an area agency on aging or their subcontractor, or who is a resident manager or provider prior to the effective date of this chapter, is exempt from the fundamentals of caregiving training in subsection (2) of this section if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (2) of this section.

(4) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

(5) The provider shall document that caregivers have met the education and training requirements.

#### NEW SECTION

**WAC 388-76-665 Resident records.** (1) The provider or resident manager shall:

(a) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records (e.g., computer files); and

(b) Protect information in the resident's record against alteration, loss, destruction, and unauthorized use.

(2) The provider or resident manager shall release information from the resident's record when required by:

(a) The resident's transfer to a health care institution;

(b) Law;

(c) Representatives of the department when acting in accordance with state law; or

(d) The resident.

(3) The provider shall retain the resident's record for three years following the resident's discharge or death.

(4) The adult family home shall ensure that the resident's record includes at least the following:

(a) Resident identification including the name, address, and telephone number of the person or persons the resident designates as significant;

(b) The name, address, and telephone numbers for the resident's:

(i) Surrogate decision maker, if any; and

(ii) Health care providers;

(c) A current medical history;

(d) An inventory of personal belongings which is:

(i) Updated as additional belongings accrue; and

(ii) Dated and signed by the resident and the provider or resident manager;

(e) The resident's assessment;

(f) The current negotiated service plan;

(g) Legal documents, including but not limited to:

(i) Power of attorney (POA) if the resident has appointed a POA;

(ii) Advance health care directives if the resident has executed such directives; and

(iii) A court order, if any, appointing a legal guardian and detailing the guardian's responsibility;

(h) Financial records;

(i) Medication records;

(j) The resident's social security number; and

(k) Admission, discharge, and absences information.

(5) The provider or resident manager shall keep the resident's record at the adult family home in which the resident lives.

#### NEW SECTION

**WAC 388-76-670 Disaster and emergency preparedness.** (1) The provider shall develop written plans and procedures to meet potential emergencies and disasters, such as fires, earthquakes, and floods.

(2) The provider shall ensure that all staff are trained in those emergency procedures when they begin to work at the home.

(3) The provider shall periodically review disaster and emergency procedures with staff, caregivers, and residents.

(4) The provider shall maintain a seventy-two hour food and water supply at the home to meet resident needs in an emergency.



(5) The provider shall ensure the adult family home has readily available first-aid supplies and a first-aid manual.

#### NEW SECTION

**WAC 388-76-675 Reporting requirements.** (1) The provider shall immediately notify the department's toll-free complaint telephone number of any incidents involving allegations of resident abuse, neglect, exploitation or abandonment in accordance with the provisions of chapter 74.34 RCW.

(2) The provider shall keep a log of injuries and accidents to residents.

(3) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the provider shall immediately notify:

(a) The resident's family, surrogate decision maker, physician and other appropriate professionals, and other persons identified in the negotiated service plan; and

(b) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The adult family home shall immediately report to the department's aging and adult services administration:

(a) Any event, actual or potential, requiring the evacuation or relocation of all or part of the home's residents to another address; and

(b) Circumstances which threaten the home's ability to ensure continuation of services to residents.

(5) The provider shall immediately notify local law enforcement anytime the provider has reason to believe that the resident has been the victim of a crime.

(6) The provider shall notify the local public health officer and the department of any occurrence of food poisoning or communicable disease as required by the state board of health.

#### NEW SECTION

**WAC 388-76-680 Infection control and communicable disease.** (1) The provider or resident manager shall institute appropriate infection control measures when the resident or any household member or caregiver has, or is suspected of having, a communicable disease.

(2) The provider shall, in addition to following chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements, protect residents from tuberculosis by requiring the provider, and each resident manager and caregiver to have, upon employment:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from skin testing from the department of health or authorized local health department;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older; and

(c) A chest X-ray within seven days of any positive Mantoux skin test.

(3) The provider or resident manager shall report positive chest X-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority.

(4) The provider shall retain records of tuberculin test results, reports of X-ray findings, physician or public health official orders, and waivers in the adult family home.

(5) The provider or resident manager shall:

(a) Use infection control standards and educational material consistent with the current curriculum for infection control as defined in the department's fundamentals of caregiving training and the adult family home provider's handbook;

(b) Dispose of used syringes, razor blades, and other sharp items in a manner that will not jeopardize the health and safety of residents, staff, and the public;

(c) Ensure disposals are placed in rigid containers, impervious to liquids and penetration by puncture. These containers shall be such that they cannot be opened either intentionally or accidentally; and

(d) Use all disposable and single-service supplies and equipment as specified by the manufacturer.

#### NEW SECTION

**WAC 388-76-685 Criminal history disclosure and background inquiries.** (1) Before the adult family home employs, directly or by contract, a resident manager or caregiver, or accepts as a caregiver any volunteer or student, the home shall:

(a) Require the person to complete the residential care services background inquiry form which includes:

(i) A disclosure statement; and

(ii) A statement authorizing the adult family home, the department, and the Washington state patrol to conduct a background inquiry;

(b) Verbally inform the person:

(i) That he or she may request a copy of the background inquiry result; and

(ii) Of the inquiry result within ten days of receipt; and

(c) Notify the appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(2) The adult family home provider shall not employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person or background inquiry discloses that the person was:

(a) Convicted of a crime against persons as defined under RCW 43.43.830;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(d) Subject to an order of protection under chapter 74.34 RCW for abuse, neglect, abandonment or financial exploitation of a vulnerable adult;

(e) Found in a final decision issued by a disciplinary board to have:



- (i) Sexually or physically abused or exploited any minor or developmentally disabled person; or
- (ii) Abused, neglected, abandoned or financially exploited any vulnerable adult; or
- (f) Found in any dependency action under RCW 13.34.-030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor.

(3) The adult family home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the crimes listed in RCW 43.43.842 and the required number of years has passed.

(4) An adult family home may conditionally employ a person pending the result of a background inquiry, provided the home requests the inquiry within seventy-two hours of the conditional employment.

(5) The adult family home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry applications and responses and all copies are maintained in a confidential and secure manner;

(b) All background inquiry results and disclosure statements are used for employment purposes only;

(c) Background inquiry results and disclosure statements are not disclosed to any person except:

(i) The person about whom the adult family home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(6) A record of inquiry results shall be retained by the adult family home for eighteen months beyond the date of employment termination.

(7) The provider shall secure and submit any additional documentation and information as requested by the department to satisfy the requirements of this section.

#### NEW SECTION

**WAC 388-76-690 Advance directives, guardianship, and decision making.** (1) The provider or resident manager shall provide or ensure that the resident, at the time of admission, has received the department's current booklet on health care rights, in the language appropriate for the resident, if available from the department.

(2) The provider or resident manager shall:

(a) Immediately contact the local emergency medical services in the event of a resident medical emergency regardless of any order, directive, or other expression of resident wishes involving the provision of medical services;

(b) Have readily available for emergency medical services personnel the resident's advance directives if the resident has executed an advance directive;

(c) Inform the resident of the action required by subsection (2)(a) of this section; and

(d) Include the action required by subsection (2)(a) of this section in the home's operational policies.

(3) A licensed physician or registered nurse acting within his or her scope of practice shall be exempt from the provisions of subsection (2) of this section.

(4) Owners, administrators, providers, provider's family members, and employees shall not act as legal guardian, or attorney-in-fact, for any resident residing in or receiving care in the home, unless he or she is the parent, spouse, adult

child, or sibling of the resident. A provider who is a guardian for a resident of the adult family home at the time of the effective date of this regulation shall have up to two years from the effective date of this regulation to be legally removed as guardian of the resident.

(5) The adult family home shall provide care and services in compliance with the federal patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW.

#### NEW SECTION

**WAC 388-76-695 Protection of resident funds—Liquidation or transfer.** (1) Upon the death of a resident, the adult family home shall promptly convey the resident's personal funds held by the adult family home with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death.

(2) If the deceased resident was a recipient of long-term care services paid for in whole or part by the state of Washington, then the personal funds held by the adult family home and the final accounting should be paid to the secretary, department of social and health services and mailed to the office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, WA 98507-9501 or such address as may be directed by the department in the future:

(a) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(b) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(3) In situations where the resident is absent from the adult family home for an extended time without notifying the home, and the resident's whereabouts is unknown:

(a) The adult family home shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the home shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The home shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(4) Prior to the sale or other transfer of ownership of the adult family home the provider shall:

(a) Provide each resident with a written accounting of any personal funds held by the home;

(b) Provide the new provider with a written accounting of all resident funds being transferred; and

(c) Obtain a written request for those funds from the new provider.

#### NEW SECTION

**WAC 388-76-700 Resident relocation due to closure.**

(1) When the department revokes, suspends, or does not renew the license for an adult family home, the department shall:

(a) Notify residents and, when appropriate, residents' surrogate decision makers of the action; and

(b) Assist with residents' relocation and specify the location of possible residential alternatives.

(2) When the resident's relocation occurs due to the adult family home's voluntary license relinquishment:

(a) The provider shall send written notification, thirty days before ceasing operation, to the appropriate adult family home area manager and to all residents except when shorter notice is required due to emergency circumstances;

(b) The provider shall provide appropriate discharge planning and coordination for all residents;

(c) The department shall provide relocation assistance to department clients; and

(d) The department may provide relocation assistance to residents whose cost of care is not fully or partially paid for by the department.

## PART V REMEDIES AND DISPUTE RESOLUTION

### NEW SECTION

**WAC 388-76-705 Remedies.** (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter, the department may provide consultation and shall allow the provider a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

(i) Denial of an application for a license;

(ii) Imposition of reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of residents the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, revocation, or refusal to renew a license; or

(v) Order stop placement.

(b) When the department orders stop placement, the adult family home shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the adult family home from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a license include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations;

(iii) Limits on the type of residents the provider may admit or serve;

(iv) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents;

(v) Change in the license capacity;

(vi) Removal of the adult family home's designation as a specialized home;

(vii) Prohibition of access to residents by a specified person; and

(viii) Demonstration of ability to meet financial obligations necessary to continue operation.

(d) When a provider fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(e) When the department finds that a licensed provider also operates an unlicensed adult family home, the department may impose a remedy listed under subsection (3)(a) of this section on the provider and the provider's licensed adult family home or homes.

(f) When the department determines that violations existing in an adult family home are of such a nature as to present a serious risk of harm to residents of other homes operated by the same provider, the department may impose remedies on those other homes.

### NEW SECTION

**WAC 388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies.** (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending a final administrative decision on the merits.

(2) Civil monetary penalties shall become due twenty-eight days after the provider or the owner or operator of an unlicensed adult family home is served with a notice of the penalty unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after

a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the provider with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

#### NEW SECTION

**WAC 388-76-715 Dispute resolution.** (1) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed by the department under the department's dispute resolution process. The purpose of the review is to give the provider an opportunity to present information which might warrant modification or deletion of a finding of a violation. The provider may submit a written statement for review. In addition to a written statement, the provider may request to present the information in person to a department designee. Requests for review shall be made to the department's community services quality assurance area manager within ten days of receipt of the written finding of a violation.

(2) When requested by a provider, the department shall expedite the dispute resolution process to review violations upon which a department order imposing license suspension, stop placement, or a condition on a license is based.

(3) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

### **PART VI PHYSICAL PLANT REQUIREMENTS**

#### NEW SECTION

**WAC 388-76-720 Common use areas.** The provider shall provide, within the adult family home, sufficient common use space, such as a living room, recreation area, or entertainment area, to create a homelike environment and meet the needs of the residents.

#### NEW SECTION

**WAC 388-76-725 Bedrooms.** (1) Every resident bedroom shall be an outside room permitting entrance of natural light.

(2) Window screens shall be:

(a) Of such design that emergency escape is not hindered; and

(b) Adequate to prevent entrance of flies and other insects.

(3) The provider shall ensure that residents' bedrooms have direct access to hallways and corridors, and unrestricted access to living rooms, day rooms, and common use areas.

(4) The provider shall make separate sleeping quarters available for each sex and shall make reasonable efforts to accommodate residents wanting to share the same room.

(5) Single occupancy bedrooms shall be at least eighty square feet or more of floor space.

(6) Double occupancy bedrooms shall be at least one-hundred twenty square feet or more of floor space exclusive of closets.

(7) There shall not be more than two residents to a bedroom.

(8) Unless the resident chooses to provide his or her own furniture and bedding, the provider shall provide each resident a bed thirty-six inches or more wide with:

(a) A clean, comfortable mattress with waterproof cover for use when needed or requested by the resident;

(b) Clean sheets and pillow cases;

(c) Adequate blankets; and

(d) Clean pillows.

(9) The provider shall not use the upper bunk of double-deck beds for a resident's bed.

(10) If the provider's bedroom is not within hearing distance of resident bedrooms, the department may require the provider provide a call bell or intercom system.

(11) The provider, resident manager, or family members shall not use as bedrooms those areas of the home designated as common use areas, or share bedrooms with residents.

(12) A resident may not share a bedroom with a person under eighteen years of age, unless it is the resident's own child.

#### NEW SECTION

**WAC 388-76-730 Toilets and bathing facilities.** The adult family home shall be equipped with toilet and bathing facilities that provide residents with privacy and include:

(1) One indoor flush toilet for each five persons in the home;

(2) A bathing facility with securely fastened, conveniently located grab bars or other safety measures; and

(3) A sink with hot and cold running water.

#### NEW SECTION

**WAC 388-76-735 Kitchen facilities.** The adult family home shall:

(1) Provide kitchen facilities that allow for proper food storage, preparation, and service; and

(2) Ensure the premises and equipment are maintained in a clean and sanitary manner including proper food handling.

NEW SECTION

**WAC 388-76-740 Telephones.** The provider shall ensure that residents have reasonable access to at least one operating, nonpay telephone on the premises where calls may be made and received in privacy.

NEW SECTION

**WAC 388-76-745 Storage.** The provider shall:

- (1) Provide adequate space for resident's storage of clothing and a reasonable amount of personal possessions;
- (2) Upon request, provide the resident with a lockable container or other lockable storage space for small items of personal property, unless the resident's individual room is lockable by the resident.

NEW SECTION

**WAC 388-76-750 Laundry.** (1) For each licensed home, the provider shall provide laundry services as needed; and

- (2) The provider shall launder sheets and pillowcases weekly or more frequently as needed.

NEW SECTION

**WAC 388-76-755 Local ordinances.** The adult family home shall meet all applicable building and housing codes, and state and local fire safety regulations as they pertain to a single family residence. The provider shall be responsible for checking with local authorities to ensure all local codes are met.

NEW SECTION

**WAC 388-76-760 Site.** An adult family home shall be located on a well-drained site free from hazardous conditions, excessive noise, dust, smoke or odors, and be accessible to other facilities or services necessary to carry out the program.

NEW SECTION

**WAC 388-76-765 Fire safety.** (1) Every room used by residents shall have a fully opening window of sufficient size and free of obstructions for emergency escape or rescue unless the room has:

- (a) Two separate doors; or
- (b) One door leading directly to the outside.
- (2) When resident bedroom windows are fitted with storm windows, the provider shall equip the storm windows with approved release mechanisms which are easily opened from the inside without the use of a key or special knowledge or effort.
- (3) The provider shall assure that every occupied area used by persons under care shall have access to one exit or more and shall not pass through a room or space subject to being locked or blocked from the opposite side.
- (4) The provider shall prohibit use as living space any area accessible only by ladder, folding stairs, or a trap door.
- (5) The provider shall assure every bathroom door lock opens from the outside in an emergency.

(6) The provider shall assure every closet door opens from the inside.

(7) The provider shall not locate a stove or heater where the stove or heater blocks a resident's escape.

(8) The provider shall store flammable or combustible material away from exits and in areas not accessible to persons under care.

(9) A provider whose licensed home is equipped with open flame devices, cooking appliances, and other similar products shall use them in a safe manner.

(10) A provider shall not use portable oil, gas, kerosene, and electric space heaters, except in case of a power outage when the portable space heater is the home's only available heat.

(11) An adult family home shall have a posted, written plan for evacuation to safe areas in the event of fire. All staff, caregivers and residents shall be instructed in emergency evacuation procedures. The provider shall conduct fire drills at least every two months. The provider or resident manager shall maintain a log of dates and times of fire drills. At the time of fire evacuation drills, the provider shall verify:

- (a) Fire extinguishers are fully charged; and
- (b) Smoke detectors are in proper working order.

(12) The provider shall provide and have readily available an approved 2-A:10-B:C rated (five pound) fire extinguisher in proper operating condition on each floor of living space of the adult family home. Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail. The provider shall maintain each required fire extinguisher in proper operating condition and shall have each required fire extinguisher inspected and serviced annually by a qualified inspector.

(13) The adult family home provider shall have an approved automatic smoke detector in each resident's bedroom and in proximity to the area where any resident or caregiver sleeps. When the licensed home is a multi-level home, a smoke detector shall be installed on each level. For violations in maintaining a smoke detector in working order, the department may require the provider to hard wire the smoke detector into the home's electrical system.

(14) An adult family home located in a rural area where there is not a public fire district shall ensure that on-site fire protection approved by the county fire authority is available to the adult family home.

(15) The provider shall assure outside exit doors open from the inside, without the use of a key or any special knowledge or effort.

(16) The provider shall comply with the 1994 Uniform Building Code, section 313, requirements for group LC occupancy (WAC 51-30-313) regarding evacuation capability and location or resident sleeping rooms.

(17) The provider shall notify the department of any fire on the premises by the first working day following the fire.

(18) The department may request to observe adult family home fire drills to assess the provider's ability to evacuate residents.

NEW SECTION

**WAC 388-76-770 Safety and maintenance.** The provider shall ensure:

- (1) The adult family home is maintained to provide a safe, clean, comfortable, and homelike environment;
- (2) The adult family home is maintained internally and externally in good repair and condition, and free of hazards;
- (3) The home has clean, functioning, safe, adequate household items and furnishings to provide for the needs of the residents;
- (4) The home has safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation and any other feature of the home;
- (5) Water temperature does not exceed one hundred twenty degrees Fahrenheit at fixtures used by residents, such as tub, shower, and lavatory facilities;
- (6) Toxic substances, poisons, and other hazardous materials are stored in a place not accessible to residents except under supervision;
- (7) Emergency lighting devices, such as flashlights are in working order and are available and easily accessible to caregivers and residents;
- (8) Steps are provided with handrails;
- (9) The provider is able to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by residents should emergency need arise;
- (10) Residents do not use or have access to swimming or other pools, hot tubs, saunas, spas, or any outdoor body of water either on or off the premises without supervision;
- (11) That any firearms are kept in locked storage and accessible only to authorized persons; and
- (12) The adult family premises are kept free from rodents, flies, cockroaches, and other vermin.

NEW SECTION

**WAC 388-76-775 Pets.** The provider shall ensure:

- (1) Any animal visiting or living on the premises has a suitable temperament, is clean and healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors; and
- (2) Pets residing on the premises have up-to-date rabies vaccinations.

NEW SECTION

**WAC 388-76-780 Lighting.** The provider shall:

- (1) Ensure lighting is adequate and comfortable for the functions being conducted in each area of the home; and
- (2) Locate light fixtures to provide for the comfort and safety of the residents.

NEW SECTION

**WAC 388-76-785 Temperature and ventilation.** The adult family home shall:

- (1) Maintain room temperature within the home at sixty-eight degrees Fahrenheit or more during waking hours and sixty degrees Fahrenheit or more during sleeping hours; and
- (2) Be adequately ventilated to ensure the health and comfort of residents.

NEW SECTION

**WAC 388-76-790 Water supply.** (1) If an adult family home has a private water supply, the provider shall have it approved by the local health authority; and

(2) The provider shall label nonpotable water on the premises to avoid use.

NEW SECTION

**WAC 388-76-795 Sewage and liquid wastes.** The provider shall ensure sewage and liquid wastes are discharged into a public sewer system or into an independent sewage system approved by the local health authority or department of health.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-76-010 Authority.
- 388-76-020 Adult family homes.
- 388-76-030 Definitions.
- 388-76-040 Application or renewal for license.
- 388-76-045 Unlicensed facilities.
- 388-76-050 Licensing of state employees.
- 388-76-060 Limitations on licenses.
- 388-76-070 General qualifications of provider, staff persons, and other persons on the premises.
- 388-76-080 Multiple facility ownership.
- 388-76-085 General standards.
- 388-76-087 Inspections.
- 388-76-090 Licensure—Denial, suspension, or revocation.
- 388-76-095 License action notice—Adjudicative proceeding.
- 388-76-100 License fees.
- 388-76-110 Discrimination prohibited.
- 388-76-130 Persons subject to licensing.
- 388-76-140 Persons not subject to licensing.
- 388-76-155 Exceptions.
- 388-76-160 Capacity.
- 388-76-170 Providers' or resident managers' outside employment.
- 388-76-180 Provider or resident manager absence from home.
- 388-76-185 Placement of residents outside home.
- 388-76-190 Effect of local ordinances.
- 388-76-200 Fire safety.
- 388-76-220 Corporal punishment and physical and chemical restraints.
- 388-76-240 Resident's records and information.
- 388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse.
- 388-76-260 Reporting change in circumstances.
- 388-76-280 Provider or resident manager-provided transportation for residents.
- 388-76-290 Clothing.
- 388-76-300 Personal hygiene.
- 388-76-310 Training.
- 388-76-320 Site.
- 388-76-325 Telephone.

- 388-76-330 Safety and maintenance.
- 388-76-340 Water safety.
- 388-76-350 Firearms.
- 388-76-360 Storage.
- 388-76-370 Bedrooms.
- 388-76-380 Kitchen facilities.
- 388-76-390 Laundry.
- 388-76-400 Toilets, lavatories, and bathing facilities.
- 388-76-405 Common use areas.
- 388-76-410 Lighting.
- 388-76-420 Pest control.
- 388-76-430 Sewage and liquid wastes.
- 388-76-435 Pets.
- 388-76-440 Water supply.
- 388-76-450 Temperature.
- 388-76-460 Ventilation.
- 388-76-465 Resident rights.
- 388-76-467 Advance directives.
- 388-76-470 Health care plan.
- 388-76-475 Negotiated service plan.
- 388-76-480 First aid.
- 388-76-490 Medication services.
- 388-76-500 Self-administration of medications.
- 388-76-520 Infection control, communicable disease.
- 388-76-530 Food services.

**WSR 96-15-002****PERMANENT RULES****SHORELINES HEARINGS BOARD**

[Filed July 3, 1996, 4:10 p.m.]

Date of Adoption: June 10, 1996.

Purpose: Updates, clarifies and reorganizes rules of practice and procedure for administrative hearings conducted by the Shorelines Hearings Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 461-08-001 Board administration and address of the board, 461-08-005 Chapter applicable, 461-08-010 Prehearing procedures, 461-08-015 Definitions, 461-08-020 Appearance and practice before the board—Persons who may and may not appear, 461-08-025 Appearance and practice before the board—Local government unit—Service of papers, 461-08-030 Appearance and practice before the board—Appearance by representative, 461-08-035 Appearance and practice before the board—No formal admission to practice, 461-08-040 Appearance and practice before the board—Withdrawal or substitution of representatives, 461-08-045 Appearance and practice before the board—Conduct, 461-08-047 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice, 461-08-050 Presiding officer duties and powers, 461-08-053 Subpoenas, 461-08-055 Requests for review to the board—Contents of the request for review, 461-08-060 Requests for review to the board—Filing—Copy, 461-08-065 Requests for review to the board—Filing with department and attorney general, 461-08-070 Requests for review to the board—Time for filing, 461-08-075 Requests for review to the board—Dismissal of request for review on jurisdictional grounds, 461-08-080 Requests for review to the board—Granting the review, 461-08-085 Requests for review to the board—Cross appeals and

intervention, 461-08-090 Requests for review to the board—Correction or amendment of notice, 461-08-093 Requests for review to the board—Responsive pleadings, 461-08-095 Conferences—Two types, 461-08-100 Informal conference—Purpose, 461-08-105 Informal conference—When held, 461-08-110 Informal conference—Agreements at informal conferences, 461-08-115 Prehearing conference—Purpose, 461-08-120 Prehearing conference—When held, 461-08-125 Prehearing conference—Documentary evidence, 461-08-130 Prehearing conference—Excerpts from documentary evidence, 461-08-135 Prehearing conference—Failure to supply prehearing information, 461-08-140 Prehearing conference—Agreements at prehearing conferences, 461-08-143 Procedures—Telephone, 461-08-144 Procedures—Motions, 461-08-145 Hearings—Types of, 461-08-150 Hearings—Scheduling of hearings, 461-08-155 Hearings—Notice of hearing, 461-08-156 Hearing—Primary and secondary setting, 461-08-157 Hearings—Briefs, 461-08-160 Hearings—Continuances and dismissals, 461-08-167 Dismissal or default, 461-08-170 Hearings—Procedures at hearings, 461-08-174 Hearings—Scope of review, 461-08-175 Hearings—Standard of review, 461-08-180 Rules of evidence—Admissibility criteria, 461-08-185 Rules of evidence—Official notice—Matters of law, 461-08-190 Rules of evidence—Official notice—Material facts, 461-08-195 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections, 461-08-205 Disposition of contested cases—Definition, 461-08-210 Disposition of contested cases—Record, 461-08-215 Disposition of contested cases—Transcripts, 461-08-220 Disposition of contested cases—Decisions and orders, 461-08-221 Disposition of contested cases—Presentation of additional evidence, 461-08-225 Disposition of contested cases—Exceptions, reply, 461-08-230 Disposition of contested cases—Finality of proposed decisions and orders, 461-08-235 Dispositions of contested cases—Final decisions and orders following proposed orders, 461-08-237 Disposition of contested cases—Preparation of findings, conclusions and orders, 461-08-240 Appeals to the courts—Notice of appeal, 461-08-245 Appeals to the courts—Certification of record, 461-08-250 Computation of time, 461-08-255 Petitions for declaratory ruling, 461-08-260 Petitions for rule making, 461-08-265 Petition by the department for rescission of permits, and 461-08-270 Applicability of SEPA guidelines.

Statutory Authority for Adoption: RCW 90.58.175.

Adopted under notice filed as WSR 96-10-062 on April 30, 1996.

Changes Other than Editing from Proposed to Adopted Version: Withdrew WAC 461-08-310 to conform with *Den Beste v. Washington*, Wn App., 914 P.2d 144 (Div. III, 1996), withdrew WAC 471-08-520 to add judicial notice of state court decisions. These sections are the subject of a supplemental rule making.

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 2, 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 57, 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 3, amended 0, repealed 55.

Effective Date of Rule: Thirty-one days after filing.

July 2, 1966

Suzanne M. Skinner  
Administrative Appeals Judge

## PART A GENERAL

### NEW SECTION

**WAC 461-08-300 Purpose of this chapter and applicability of the board's rules of practice to the civil rules of procedure and the rules of evidence.** (1) The purpose of chapter 461-08 WAC is to provide rules of practice before the shorelines hearings board (hereinafter "board"). The interpretation of these rules may be guided, where relevant, by the civil rules of superior court (hereinafter "civil rules") and the rules of evidence for the superior courts of the state of Washington, as those rules have been construed by Washington state courts.

(2) Except where in conflict with the board's rules, Washington statutes regarding pretrial procedures, civil rules and rules of evidence shall be followed in proceedings before the board unless the presiding officer determines that the evidence, although in conflict with the rules, is admissible pursuant to WAC 461-08-515.

(3) This chapter shall govern practice before the board. The rules in this chapter are consistent with the model rules of procedure issued by the office of administrative hearings, chapter 10-08 WAC except where specifically noted.

### NEW SECTION

**WAC 461-08-305 Definitions.** As used in this chapter the following terms shall have the following meanings:

(1) "Agency" means any state governmental entity.

(2) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in chapter 34.05 RCW. The terms "appeal," "adjudicative proceeding" and "case" are used interchangeably in this chapter.

(3) "Board" means the shorelines hearings board, a quasi-judicial body created pursuant to chapter 90.58 RCW and described in WAC 461-08-315.

(4) "Date of filing" as used in this chapter and RCW 90.58.140(6) has different meanings depending upon the type of local government decision that is being appealed.

(a) "Date of filing" of a local government's approval or denial of a substantial development permit, or local government's denial of a variance or conditional use permit, is the date that the department actually receives a completed filing.

(b) "Date of filing" of a local government's approval of a conditional use permit or variance is the date that the department transmits its final decision or order to local government.

(c) For substantial development permits filed simultaneously with approvals of conditional use permits or variances, the "date of filing" is the date that the department transmits its final decision or order on the variance or conditional use permit to local government.

(5) "Department" refers to and means the department of ecology.

(6) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency, local government and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

(7) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or water subject to chapter 90.58 RCW.

(8) "Party" means:

(a) A person to whom any local government or agency decision is specifically directed; or

(b) A person named as a party to the appeal, or allowed to intervene or joined as a party by the board.

(9) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(10) "Petition for review" is a document that when properly filed with the board initiates an adjudicative proceeding before the board.

(11) "Presiding officer" means any member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or the vice-chairperson.

(12) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to a commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to a delivery service of the copies.

(d) Commercial delivery service. Service by commercial delivery service is regarded as complete upon delivery to the delivery company with charges prepaid.

## PART B BOARD ADMINISTRATION AND JURISDICTION

### NEW SECTION

**WAC 461-08-315 Board membership, function and jurisdiction.** (1) **Members.** The board is made up of six members. Three members are also members of the pollution control hearings board and are appointed by the governor. A fourth member is appointed by the association of Washington cities and a fifth member is appointed by the association of county commissioners. The sixth member is the



commissioner of public lands or the commissioner's designee.

(2) **Function and jurisdiction.** This board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

(a) Appeals from any person aggrieved by the granting, denying or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW;

(b) Appeals of department rules, regulations or guidelines; and

(c) Appeals from department decisions to approve, reject or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

(3) This section is intended to be general and informational only and failure herein to list matters over which the board has jurisdiction shall not constitute a waiver or withdrawal of that jurisdiction.

#### NEW SECTION

**WAC 461-08-320 Office hours, telephone number, telefacsimile number and address of the board.** (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the appeals board holds regular meetings at 9:00 a.m. on the second Monday of each month at the address set forth below.

(2) The board is organized within the Environmental Hearings Office, 4224 - 6th Avenue SE, Building No. 2 Rowe Six, Lacey, Washington. The mailing address is:

Shorelines Hearings Board  
4224 6th Avenue S.E., Building No. 2, Rowe Six  
PO Box 40903  
Lacey, WA 98504-0903

(3) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(4) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

#### NEW SECTION

**WAC 461-08-325 Public information about practice before the board and public records.** (1) Questions about board procedures may be directed to the environmental hearings office by mail or, during regular office hours, by telephone or by telefacsimile.

(2) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-12 WAC are available for public inspection and copying during regular office hours at the environmental hearings office. The form for requests for public records is set forth in WAC 198-12-140. Any person seeking to make copies of such public records may copy the documents at the environmental hearings office for a reasonable charge per page.

#### NEW SECTION

**WAC 461-08-330 Board decision making on appeals.** The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 90.58.170, petitions for review that involve a single-family residence or an appurtenance to a single-family residence, including a dock or pier for a single-family residence, may be heard by a panel of three board members, at least one and not more than two of whom shall also be members of the pollution control hearings board. Two members of the panel must agree to issue a final decision. The decision of the panel shall be the final decision of the full board.

(2) **Full-board appeals.** All other appeals are full-board appeals. Four members of the board shall constitute a quorum for making a decision and may act even if the other two members are unavailable or have not yet been appointed.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental hearings office to be the presiding officer.

### **PART C FILING AN APPEAL WITH THE BOARD AND SERVICE**

#### NEW SECTION

**WAC 461-08-335 Types of petitions before the board.** The board is empowered to hear and decide the following:

(1) Petitions for review of permitting decisions;

(2) Petitions for review of penalties imposed under chapter 90.58 RCW;

(3) Petitions for review of master programs adopted by jurisdictions that are not subject to the Growth Management Act;

(4) Petitions for review of regulations adopted by the department pursuant to chapter 90.58 RCW;

(5) Petitions for declaratory rulings;

(6) Petitions for rule making by the board; and

(7) Petitions by the department for rescission of permits issued by local government.

#### NEW SECTION

**WAC 461-08-340 Where to file a petition for review and number of copies.** (1) An adjudicative proceeding before the board shall be begun by filing a petition for review and one copy at the environmental hearings office. The board shall acknowledge filing of the petition for review by a stamp and the board's stamp on the petition shall be prima facie evidence of the date of filing. The board may thereafter require that additional copies be filed.

(2) **Deadlines for filing a petition for review.** There are different deadlines for filing a petition for review depending upon the type of decision or government action being appealed.

(a) A petition for review by any person aggrieved by the granting, denying or rescinding of a permit on shorelines of



the state shall be filed with the board within twenty-one days of the "date of filing" as defined in WAC 461-08-305.

(b) A petition for review by any person aggrieved by a penalty assessment shall be filed with the board within thirty days of the date the penalty notice is received.

(c) A petition for review by any person aggrieved by the department's decision to approve, reject or modify a proposed or final shoreline master program, or program amendment, by a local government that is not planning under the Growth Management Act, RCW 36.70A.300, shall be filed with the board within thirty days of the date of the department's written notice of its decision to the local government.

(d) A petition for review by any person aggrieved by any rules, regulations or guidelines adopted or approved by the department pursuant to chapter 90.58 RCW, shall be filed with the board within thirty days of the date of adoption or approval.

#### NEW SECTION

**WAC 461-08-345 Deadline for filing petition for review of permitting decisions by the department or attorney general.** The department or the attorney general may, pursuant to RCW 90.58.180(2), obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition for review with the board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

#### NEW SECTION

**WAC 461-08-350 Contents of the petition for review.** Petitions for review to the board pursuant to RCW 90.58.180 (1) and (2) shall contain:

(1) The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency and/or the local government whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the application for a shoreline permit which was filed with the local government pursuant to RCW 90.58.140;

(4) A copy of the decision or permit appealed from;

(5) A short and plain statement showing the grounds upon which the appealing party considers such decision or permit to be unjust or unlawful;

(6) A clear and concise statement upon which the appealing party relies to sustain his or her grounds for appeal;

(7) The relief sought, including the specific nature and extent;

(8) The signature of the representative of the appealing party or of the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the petition and that it is consistent with civil rule 11;

(9) All pleadings shall be so construed as to do substantial justice.

#### NEW SECTION

**WAC 461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general.** (1) For petitions pertaining to a local government's final decision on a permit, the petitioner shall file one copy of the petition with the department and one copy with the office of the attorney general within seven days of the date that the petition was filed with the board.

(2) Within fifteen days of the date of receipt of the petition for review described in subsection (1) of this section, the department or the attorney general may intervene in the case before the board to protect the public interest and to insure compliance with chapter 90.58 RCW. Nothing in WAC 461-08-345, setting a twenty-one day limit on when the department or the attorney general can directly file a petition for review, limits the right of the department or attorney general to intervene under this section in a board proceeding.

#### NEW SECTION

**WAC 461-08-360 Service of the petition for review on local government and other parties.** (1) A copy of the petition for review, and all other papers required to be served under this chapter, shall be served upon the chief legal officer of the local government unless the local government has filed a written request with the board that such service be on some other person.

(2) When the petitioner is not the permit applicant, the petitioner shall serve the permit applicant with a copy of the petition for review.

#### NEW SECTION

**WAC 461-08-365 Board decision making on petitions for review of department rules and regulations.** (1) Where a petition for review of a department rule or regulation adopted pursuant to chapter 90.58 RCW is filed, the full board shall hold a hearing on the petition, and within sixty days of the final day of hearing, shall issue a decision upholding the validity of the rule, regulation or guideline, unless the board finds that the rule, regulation or guideline:

(a) Is clearly erroneous in light of the policy of this chapter;

(b) Constitutes an implementation of chapter 90.58 RCW in violation of the Constitution or statutes;

(c) Is arbitrary and capricious;

(d) Was developed without full consideration and evaluation of all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(2) Where the board decides that the rule, regulation or guideline is invalid under subsection (1)(a) through (e) of this section, the board shall enter a decision stating the reasons for its determination and remanding the rule, regulation or guideline to the department in accordance with RCW 90.58.180(6).

NEW SECTION

**WAC 461-08-370 Board decision making on petitions for declaratory ruling.** (1) **Right to petition for declaratory ruling.** As prescribed by RCW 34.05.240, any interested person may petition the board at any time for a declaratory ruling.

(2) **Quorum.** Four members of the board shall constitute a quorum when the board acts on declaratory judgment petitions. Four members of the board may act although two positions on the board are vacant.

NEW SECTION

**WAC 461-08-375 Board decision making on petitions for rule making.** (1) **Right to petition for rule making regarding rules of the board.** As prescribed by RCW 34.05.330, any person may petition the board to promulgate, amend or rescind the board's administrative rules as set forth in this chapter. The provisions of these rules and the Administrative Procedure Act shall apply to petitions for rule making.

(2) **Quorum.** Four members of the board shall constitute a quorum when the board promulgates, amends or rescinds its administrative rules. Four members of the board may act although two board positions are vacant.

NEW SECTION

**WAC 461-08-380 Board decision making on department of ecology petitions for rescission of permits.** (1) **Department authority to petition.** The department may petition for the rescission of permits issued by local government pursuant to RCW 90.58.140(8).

(2) **Form of the petition.** A petition for rescission shall comply with the following requirements:

(a) The petition shall contain a copy of the written notice provided to the local government and the permittee involved;

(b) The petition shall be filed with the board within fifteen days of the termination of the thirty-day notice to local government and the permittee as provided by RCW 90.58.140(8).

(c) At the time of filing the petition with the board, the department shall give written notice of such petition to the local government and the permittee involved.

**PART D****APPEARANCE AND PRACTICE BEFORE THE BOARD**NEW SECTION

**WAC 461-08-385 Persons who may appear before the board.** (1) Any person has the right to represent himself or herself in a proceeding before the board.

(2) The only persons who are qualified to represent another person or entity before the board are the following:

(a) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(b) An authorized officer, partner, owner, employee or member of an association, partnership, corporation, organization, government agency or local government.

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied.

(d) Any other individual designated by an entity to serve as a spokesperson in a case with the approval of the board's presiding officer.

(3) No former employee of the department or member of the attorney general's staff may appear in a representative capacity on behalf of other parties in a formal proceeding in which an active part as a representative of the department was taken in the same case or proceeding, at any time after leaving the employment of the department or the attorney general, except when permitted by applicable state conflict of interest laws.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, represent a party before the board on any matter.

NEW SECTION

**WAC 461-08-390 Appearance by representative.** (1) An attorney or authorized representative as defined in WAC 461-08-385 may appear for a party by either of the following actions:

(a) Filing a written notice of appearance, a petition for review or another pleading containing the name of the party to be represented, and the name, address and telephone number of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Where a petition for review has been filed with the board by the department or attorney general, the attorney general shall, unless the department or attorney general notifies the board otherwise, be deemed to have entered an appearance for the department, and the attorney general shall be exempt from the requirement of filing and serving a written notice of appearance.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, and gives notice to all other parties to the appeal, all future pleadings and correspondence shall be served upon that representative. Service upon the representative shall constitute service upon the party.

NEW SECTION

**WAC 461-08-395 Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately so notify the board and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accom-

plished by written notification to the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

#### NEW SECTION

**WAC 461-08-400 Conduct before the board by representatives.** All persons who are representing parties before the board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. Representatives who, in the opinion of the presiding officer, violate those ethical standards may be reprimanded or sanctioned. Sanctions may include, among other measures, the imposition of costs and the exclusion of the representative from the proceedings. The board may, after notifying the representative and holding a hearing, take appropriate disciplinary action including, but not limited to, barring such person from representing another party in any future board proceedings.

#### NEW SECTION

**WAC 461-08-405 Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

#### NEW SECTION

**WAC 461-08-410 Presiding officer duties and powers.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations.
- (2) To issue subpoenas and protective orders as provided in the Administrative Procedure Act.
- (3) To rule on all procedural matters, objections and motions.
- (4) To rule on all offers of proof and receive relevant evidence.
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary for a fair and adequate decision.
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to decide the matter fairly and equitably.
- (7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board.
- (8) To issue orders joining other parties, on motion of any party, or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings.
- (9) To consolidate matters for hearing when such consolidation will expedite disposition of the matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby.
- (10) To hold prehearing and settlement conferences.

- (11) To permit and regulate the taking of discovery.
- (12) To regulate the course of the hearing.
- (13) To dismiss a petition for review or take other appropriate disciplinary actions, where a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding.
- (14) To take any other action necessary and authorized by these rules and the law.

#### NEW SECTION

**WAC 461-08-415 Mediation.** The board may, on occasion, recommend that the parties to an appeal engage in mediation. One or more parties may also recommend to the other parties or the presiding officer that a mediation occur. Subject to availability, an administrative appeals judge from the environmental hearings office may serve as the mediator for the board. In the event that the mediation proves unsuccessful and the case proceeds to hearing, any administrative appeals judge who served as a mediator will neither preside over the hearing nor have any contact with the board members regarding the case other than to inform them that the mediation did not result in a settlement.

#### NEW SECTION

**WAC 461-08-420 Subpoenas.** (1) **Issuance.** Subpoenas may be issued by any member of the board, the presiding officer assigned to the case or by the attorney of record, as provided in the Administrative Procedure Act. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by the presiding officer or a board member shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, shall prepare the subpoenas for issuance, shall send them to the board's office for signature, and, upon return, shall make arrangements for service.

(2) **Form.** Every subpoena shall name the shorelines hearings board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) **Service.** Service of subpoenas to a witness who is not party to the case shall be made by personally serving a copy of the subpoena to such person, in accordance with civil rule 45, and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) **Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgment of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) **Quashing.** Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person subpoenaed and upon notice to the party for whom the subpoena was issued, the board or its presiding officer may:

- (a) Quash; or

(b) Modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(c) Condition denial of the motion upon just and reasonable conditions.

(6) **Geographical scope.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

## PART E PREHEARING PRACTICE

### NEW SECTION

**WAC 461-08-425 Dismissal of petitions for review on jurisdictional grounds.** (1) Timely filing of the petition for review, and other petitions within the board's jurisdiction under chapter 90.58 RCW, is required for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear a petition for review on jurisdictional grounds, and the board may independently raise the jurisdictional issue. The board may, when satisfied that it does not have jurisdiction, dismiss the petition for review.

### NEW SECTION

**WAC 461-08-430 Correction or amendment of notice.** (1) Within thirty days of receipt by the board, if any petition for review is found to be defective or insufficient, the board may require the party filing the petition for review to correct, clarify or amend the same to conform to the requirements of chapter 90.58 RCW and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of the petition upon failure to comply within a specified time.

(2) Other amendments and supplemental pleadings shall conform to civil rule 15.

### NEW SECTION

**WAC 461-08-435 Intervention.** (1) The department and the attorney general may intervene by right within fifteen days from the date of receipt of the petition for review by the department or the attorney general pursuant to RCW 90.58.180(1) in any matter set out therein, and if such intervention is sought it shall be granted.

(2) The presiding officer may grant a petition for intervention by any person at any time, upon determining that the petitioner qualifies as an intervenor pursuant to civil rule 24, that the intervention will serve the interests of justice and that the prompt and orderly conduct of the appeal will not be impaired.

(3) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

### NEW SECTION

**WAC 461-08-440 Joinder of parties.** The presiding officer shall order the joinder of the permittee, permitting agency or any other interested person or entity in accordance with civil rule 19. The presiding officer may also permit the

joinder of persons who are not necessary to the determination of the appeal in accordance with civil rule 20.

### NEW SECTION

**WAC 461-08-445 Answers to petitions for review.** Respondent(s) may file an answer to a petition for review with the board and serve a copy thereof upon other parties within twenty days of receipt of the petition for review. Answers shall generally conform to the requirements of a petition for review.

### NEW SECTION

**WAC 461-08-450 Prehearing scheduling letters.** (1) Upon receipt of a petition for review which complies with the requirements of these regulations, the board shall promptly mail to each party a scheduling letter which sets the time and location of the hearing.

(2) In cases where the presiding officer does not order a prehearing conference, the letter setting the hearing date and time will be mailed at least seven days before the hearing date. The letter may also set the schedule for filing motions and prehearing briefs, and will notify the parties that an interpreter can be made available, upon reasonable notice to the board, for a witness or party who does not speak English or is hearing-impaired. The scheduling letter will control the subsequent proceedings, unless modified for good cause by the presiding officer.

(3) In cases where the presiding officer decides to hold a prehearing conference, the scheduling letter will also notify the parties of the time and location of the prehearing conference. The scheduling letter will be mailed at least seven days before the prehearing conference.

### NEW SECTION

**WAC 461-08-455 Prehearing conferences.** (1) The purpose of a prehearing conference shall be:

(a) To determine the feasibility of a settlement of the appeal or, failing settlement;

(b) To prepare the case for hearing by scheduling prehearing deadlines and by identifying the issues, and if possible, witnesses, exhibits, stipulations, and admissions.

(2) Appearance by a party or by the party's representative at a prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or other appropriate action.

### NEW SECTION

**WAC 461-08-460 Prehearing orders.** After a prehearing conference which has not resulted in settlement, the presiding officer shall enter a prehearing order. Normally, this will include a statement of issues, a schedule for filing motions and briefs, and lists of witnesses and exhibits or provide for filing such lists, as well as other matters which may bear on the preparation for hearing. The issues stated in the prehearing order shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.

NEW SECTION

**WAC 461-08-465 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare a written order of dismissal to which the settlement agreement is attached, and submit that order to the board. If the agreement is in accordance with the law, the board shall enter the order and dispose of the case.

(2) This section also pertains to settlement agreements reached after mediation.

NEW SECTION

**WAC 461-08-470 Use of telephone conferences, motion hearings and hearings.** Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone conference call to promote the fair, speedy and economical processing of a matter. If the presiding officer grants the party's request for a telephone conference, the requesting party shall initiate and pay for the conference call.

NEW SECTION

**WAC 461-08-475 Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. Where any party requests a motion hearing, that party shall procure from the hearing coordinator an available date for the motion hearing and prepare a note that sets the time, date and location of the motion hearing. The moving party shall note the motion for hearing on a date deemed by the hearing coordinator to be available for that purpose. The motion, order and note for motion hearing shall then be filed and served. Where the hearing coordinator specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call. The presiding officer will decide whether or not a motion hearing will be held, and notify the parties accordingly.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than forty-five days before the hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

NEW SECTION

**WAC 461-08-480 Postponements and continuances of hearings.** (1) Postponement or continuance of a hearing is within the discretion of the presiding officer, whether contested or uncontested by the parties. The board may postpone or continue a hearing on its own motion.

(2) The postponement or continuance of a hearing shall be sought by written motion and according to the procedure set forth in WAC 461-08-475.

NEW SECTION

**WAC 461-08-485 Dismissal, default or withdrawal of appeal.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before the appellant rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

## PART F HEARINGS

NEW SECTION

**WAC 461-08-490 Hearing briefs.** Hearing briefs, if filed, should be submitted to the board at least seven days before the time of hearing or other such time as the board may prescribe. For a full-board case, an original and six copies must be filed. In a short-board case, an original and three copies must be filed. In all cases where briefs are filed, a copy shall also be served on the other parties or their attorneys. The board may permit or require the filing of additional briefs.

NEW SECTION

**WAC 461-08-495 Procedures at hearings.** (1) **Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Testimony under oath.** Oaths shall be administered by the presiding officer or other officer with authority to

administer oaths. All testimony to be considered by the board shall be sworn or affirmed.

**(3) Recording.**

(a) An official recording of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

**(4) Order of presentation of evidence.**

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce its evidence.

(b) The opposing party shall introduce its evidence after the appellant has rested. Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(c) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

**(5) Opening statements.** Unless the presiding officer rules otherwise, parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues of the case.

**(6) Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to the board and all parties at the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

**(7) Former employee as an expert witness.** No former employee of the department or the board or the attorney general shall at any time after leaving the employment with the department appear, except when permitted by applicable state conflict of interest law, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department or board was taken.

**(8) Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

**(9) Rulings.** The presiding officer, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 461-08-515 through 461-08-535.

**NEW SECTION**

**WAC 461-08-500 Scope of review and burden of proof.** (1) Hearings upon petitions for review shall be quasi-judicial in nature and shall be conducted *de novo* unless otherwise required by law. However, the board shall conduct the following types of hearings on the record compiled by the department:

(a) Petitions for review of department decisions to adopt or approve rules, regulations or guidelines pursuant to chapter 90.58 RCW; and

(b) Petitions for review to approve, reject or modify a proposed master program or master program amendment.

(2) Persons requesting review pursuant to RCW 90.58-180 (1) and (2) shall have the burden of proof in the matter.

**NEW SECTION**

**WAC 461-08-505 Standard of review.** (1) In deciding upon a petition for review brought pursuant to RCW 90.58.180 (1) and (2) the board shall make its decision considering the following standards:

(a) Consistency with the requirements of chapter 43.21C RCW, the State Environmental Policy Act.

(b) From June 1, 1971, until such time as an applicable master program has become effective, whether the action of the local government unit is consistent with:

(i) The policy of RCW 90.58.020; and

(ii) The guidelines and regulations of the department; and

(iii) So far as can be ascertained the master program being developed for the area.

(c) After adoption or approval, as appropriate, by the department of an applicable master program, whether the action of the local government is consistent with the applicable master program and the provisions of chapter 90.58 RCW, and the department's implementing regulations.

(2) Evidence that is material and relevant to determination of the matter consistent with the standards set out in subsection (1) of this section, subject to these rules, shall be admitted into the record whether or not such evidence had been submitted to the local government unit.

**NEW SECTION**

**WAC 461-08-510 Provision of interpreters and of reasonable accommodations to individuals with special needs.** (1) Whenever any person involved in an adjudicative proceeding before the board is eligible for an interpreter, as that eligibility is defined in WAC 10-08-150, or qualifies for reasonable accommodations as an individual with disabilities, that person shall request an interpreter or other reasonable accommodations from the presiding officer not later than three weeks before the date of the hearing, conference or other situation for which the interpreter or assistance is needed. The board shall comply with WAC 10-08-150 and 10-08-160(2) regarding the provision of interpreters.

(2) Information about proceedings before the board is available in alternate format upon request.

**NEW SECTION**

**WAC 461-08-515 Rules of evidence—Admissibility criteria.** (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

#### NEW SECTION

**WAC 461-08-525 Rules of evidence—Official notice—Material facts.** (1) In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(a) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(b) **Business customs.** General customs and practices followed in the transaction of business;

(c) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(d) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(2) **Request or suggestion.** Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(3) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(4) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from

utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

#### NEW SECTION

**WAC 461-08-530 Presentation of additional evidence by presiding officer.** The presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by the presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by the presiding officer, application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

#### NEW SECTION

**WAC 461-08-535 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

### PART G

#### DECISIONS BY THE BOARD AFTER HEARING

#### NEW SECTION

**WAC 461-08-540 Contents of the record.** The record before the board in any adjudicative proceeding shall consist of the decision or order appealed from, the petition for review therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 461-08-545, and other proceedings at the hearing, together with all exhibits admitted. No part of the local government's record or other documents shall be made part of the record of the board unless admitted in evidence.

#### NEW SECTION

**WAC 461-08-545 Preparation of transcripts.** (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

(2) When the board does not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to order the same from the board reporter and assume the printing costs.



NEW SECTION

**WAC 461-08-550 Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel and the same be based upon the board's oral or memorandum opinion. The board or presiding officer may adopt, in whole or in part, the findings, conclusions and orders or the board may prepare its own findings, conclusions and orders.

NEW SECTION

**WAC 461-08-555 Final decisions and orders.** (1) **Full-board cases.** When the hearing on the petition for review has been heard by a majority of the board in a full-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: *Provided*, That in the event that the full board considers the record and that four of the members cannot agree on a decision, the substantive decision of the local government will control. The board will formally adopt its final decision and order.

(2) **Short-board cases.** When the hearing on the petition for review has been heard by two or more board members in a short-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: *Provided*, That in the event that the three board members consider the record and two members cannot agree on a decision, the substantive decision of the local government will control. The board will formally adopt its final decision and order.

(3) Copies of the final decision and order shall be mailed by the board to each party to the petition for review or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

NEW SECTION

**WAC 461-08-560 Deadline for final decisions on petitions for review of permitting decisions, waivers and extensions.** (1) The board shall issue a final decision on appeals of permitting decisions pursuant to RCW 90.58.180 (1) and (2) within one hundred eighty days of the date of filing with the board of the petition for review or the petition to intervene, whichever is later.

(2) The parties may agree to waive the one hundred eighty-day deadline.

(3) The board may, on its own motion, extend the deadline for thirty days after determining that good cause exists for the extension.

NEW SECTION

**WAC 461-08-565 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final deci-

sion. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal or to the attorney or representative of record. Service on the representative shall constitute service on the party.

## PART H APPEALS FROM BOARD DECISIONS

NEW SECTION

**WAC 461-08-570 Petitions for judicial review to superior court.** All appeals from orders of the board shall be to a superior court, unless the superior court certifies the order for direct review to the court of appeals or the court of appeals accepts a certificate of appealability issued by the board. In cases of appeal to superior court, and cases where certification to the court of appeals is sought, the appealing party shall file with the board and all parties of record a copy of the petition for judicial review to the superior court.

NEW SECTION

**WAC 461-08-575 Direct review to the court of appeals based upon an accepted certificate of appealability by the board.** (1) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and must serve the board and all parties of record. The application for direct review shall request the board to file a certificate of appealability.

(2) If the board's jurisdiction is among the issues on review to the superior court, the board may, on its own motion, file an application for direct review with the superior court on the jurisdictional issue.

(3) From the date the board is served a copy of the application for direct review under subsection (1) of this section, the board shall have thirty days to grant or deny the request for a certificate of appealability. The board shall file its decision granting or denying the certificate of appealability with the superior court and serve the parties of record.

(4) The board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest, and either of the following:

(a) Fundamental and urgent state-wide or regional issues are raised; or



(b) The proceeding is likely to have significant precedential value.

(5) The board shall state in the certificate of appealability, or in its decision denying the certificate, which criteria set forth in subsection (4) of this section it applied and how those criteria were or were not met.

(6) Where the board issues a certificate of appealability, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court. The notice shall include a copy of both the certificate of appealability and the final decision.

(7) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(8) If the certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**NEW SECTION**

**WAC 461-08-580 Certification of record.** Within thirty days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court. Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

**PART I  
APPLICABILITY OF SEPA**

**NEW SECTION**

**WAC 461-08-585 Applicability of SEPA guidelines.** The board has reviewed its authorized activities pursuant to the SEPA rules and has found them all to be exempt from that chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 461-08-001 Board administration and address of the board.
- WAC 461-08-005 Chapter applicable.
- WAC 461-08-010 Prehearing procedures.
- WAC 461-08-015 Definitions.
- WAC 461-08-020 Appearance and practice before the board—Persons who may and may not appear.
- WAC 461-08-025 Appearance and practice before the board—Local government unit—Service of papers.
- WAC 461-08-030 Appearance and practice before the board—Appearance by representative.

- WAC 461-08-035 Appearance and practice before the board—No formal admission to practice.
- WAC 461-08-040 Appearance and practice before the board—Withdrawal or substitution of representatives.
- WAC 461-08-045 Appearance and practice before the board—Conduct.
- WAC 461-08-047 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.
- WAC 461-08-050 Presiding officer duties and powers.
- WAC 461-08-053 Subpoenas.
- WAC 461-08-055 Requests for review to the board—Contents of the request for review.
- WAC 461-08-060 Requests for review to the board—Filing—Copy.
- WAC 461-08-065 Requests for review to the board—Filing with department and attorney general.
- WAC 461-08-070 Requests for review to the board—Time for filing.
- WAC 461-08-075 Requests for review to the board—Dismissal of request for review on jurisdictional grounds.
- WAC 461-08-080 Requests for review to the board—Granting the review.
- WAC 461-08-085 Requests for review to the board—Cross appeals and intervention.
- WAC 461-08-090 Requests for review to the board—Correction or amendment of notice.
- WAC 461-08-093 Requests for review to the board—Responsive pleadings.
- WAC 461-08-095 Conferences—Two types.
- WAC 461-08-100 Informal conference—Purpose.
- WAC 461-08-105 Informal conference—When held.
- WAC 461-08-110 Informal conference—Agreements at informal conferences.
- WAC 461-08-115 Prehearing conference—Purpose.
- WAC 461-08-120 Prehearing conference—When held.
- WAC 461-08-125 Prehearing conference—Documentary evidence.
- WAC 461-08-130 Prehearing conference—Excerpts from documentary evidence.
- WAC 461-08-135 Prehearing conference—Failure to supply prehearing information.
- WAC 461-08-140 Prehearing conference—Agreements at prehearing conferences.

PERMANENT

WAC 461-08-143	Procedures—Telephone.
WAC 461-08-144	Procedures—Motions.
WAC 461-08-145	Hearings—Types of.
WAC 461-08-150	Hearings—Scheduling of hearings.
WAC 461-08-155	Hearings—Notice of hearing.
WAC 461-08-156	Hearing—Primary and secondary setting.
WAC 461-08-157	Hearings—Briefs.
WAC 461-08-160	Hearings—Continuances and dismissals.
WAC 461-08-167	Dismissal or default.
WAC 461-08-170	Hearings—Procedures at hearings.
WAC 461-08-174	Hearings—Scope of review.
WAC 461-08-175	Hearings—Standard of review.
WAC 461-08-180	Rules of evidence—Admissibility criteria.
WAC 461-08-185	Rules of evidence—Official notice—Matters of law.
WAC 461-08-190	Rules of evidence—Official notice—Material facts.
WAC 461-08-195	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
WAC 461-08-205	Disposition of contested cases—Definition.
WAC 461-08-210	Disposition of contested cases—Record.
WAC 461-08-215	Disposition of contested cases—Transcripts.
WAC 461-08-220	Disposition of contested cases—Decisions and orders.
WAC 461-08-221	Disposition of contested cases—Presentation of additional evidence.
WAC 461-08-225	Disposition of contested cases—Exceptions, reply.
WAC 461-08-230	Disposition of contested cases—Finality of proposed decisions and orders.
WAC 461-08-235	Dispositions of contested cases—Final decisions and orders following proposed orders.
WAC 461-08-237	Disposition of contested cases—Preparation of findings, conclusions and orders.
WAC 461-08-240	Appeals to the courts—Notice of appeal.
WAC 461-08-245	Appeals to the courts—Certification of record.
WAC 461-08-250	Computation of time.
WAC 461-08-255	Petitions for declaratory ruling.
WAC 461-08-260	Petitions for rule making.
WAC 461-08-265	Petition by the department for rescission of permits.
WAC 461-08-270	Applicability of SEPA guidelines.

**WSR 96-15-003**  
**PERMANENT RULES**  
**POLLUTION CONTROL**  
**HEARINGS BOARD**

[Filed July 3, 1996, 4:15 p.m.]

Date of Adoption: June 10, 1996.

Purpose: Updates, clarifies and reorganizes rules governing practice and procedure for hearings conducted by the Pollution Control Hearings Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 371-08-001 Purpose and applicability, 371-08-002 Commencement of adjudicative proceedings, 371-08-005 Membership, function and jurisdiction, 371-08-010 Board administration—Office and address of the board, 371-08-020 Board administration—Quorum, 371-08-030 Board administration—Communications with the board—Public records, 371-08-032 Definitions, 371-08-033 Service of documents on representatives, 371-08-035 Appearance and practice before the board—Persons who may and may not appear, 371-08-040 Appearance and practice before the board—Appearance by representative, 371-08-050 Appearance and practice before the board—Withdrawal or substitution of representatives, 371-08-055 Appearance and practice before the board—Conduct, 371-08-061 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice, 371-08-065 Presiding officer—Powers and duties, 371-08-071 Subpoenas, 371-08-075 Appeals to the board—Contents of notice of appeal, 371-08-080 Appeals to the board—Time for filing appeals, 371-08-085 Appeals to the board—Jurisdictional requirements—Dismissal on jurisdictional grounds, 371-08-100 Appeals to the board—Correction or amendment of notice, 371-08-104 Appeals to the board—Stays, 371-08-106 Appeals to the board—Intervention, 371-08-125 Conferences—Purpose of prehearing conferences, 371-08-130 Conferences—When held, 371-08-140 Conferences—Agreements at prehearing conferences—Prehearing orders, 371-08-144 Prehearing procedures—Telephone, 371-08-146 Prehearing procedures—Use of civil rules—Discovery, 371-08-147 Procedures—Motions, 371-08-148 Prehearing procedures—Summary judgment, 371-08-150 Hearings—Types of hearings, 371-08-155 Hearings—Election of type of hearings, 371-08-156 Hearings—Assignment of dates, 371-08-162 Hearings—Primary and secondary setting, 371-08-165 Hearings—Continuances, dismissal, 371-08-167 Dismissal or default, 371-08-180 Hearings—Procedures at hearings, 371-08-183 Hearings—Standard and scope of review—Burden of proof, 371-08-184 Hearings—Interpreters, 371-08-185 Hearings—Additional evidence by presiding officer, 371-08-186 Rules of evidence—Admissibility criteria, 371-08-187 Rules of evidence—Official notice—Matters of law, 371-08-188 Rules of evidence—Official notice—Material facts, 371-08-189 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections, 371-08-195 Disposition of adjudicative proceedings—Record, 371-08-196 Disposition of adjudicative proceedings—Transcripts, 371-08-197 Disposition of adjudicative proceedings—Preparation of findings, conclusions and orders, 371-08-200 Disposition of adjudicative proceedings—Final decisions and orders—Petition for reconsideration, 371-08-215 Disposition of adjudicative proceedings—Final decisions and orders, 371-

08-220 Appeals to the courts—Notice of appeal to the superior court, 371-08-230 Appeals to the courts—Certification of record, 371-08-235 Computation of time, 371-08-240 Petitions for declaratory ruling, 371-08-250 Review of permits under the National Pollutant Discharge Elimination System, 371-08-255 Review of permits issued under chapter 173-303 WAC, and 371-08-260 Applicability of SEPA guidelines.

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 96-10-063 on April 30, 1996.

Changes Other than Editing from Proposed to Adopted Version: Withdrew WAC 371-08-310, 371-08-335, and 371-08-345 to conform with *Den Beste v. Washington*, Wn. App. \_\_\_, 914 P.2d 144 (Div. III, April 18, 1996). Withdrew WAC 371-08-505 to add judicial notice of state court decisions. These sections are the subject of a supplemental rule making.

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 3, 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 50, 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 3, amended 0, repealed 48.

Effective Date of Rule: Thirty-one days after filing.

July 2, 1996

Suzanne M. Skinner

Administrative Appeals Judge

## PART A GENERAL

### NEW SECTION

**WAC 371-08-300 Purpose of this chapter and applicability of the board's rules of practice and the civil rules of procedure and the rules of evidence.** (1) The purpose of chapter 371-08 WAC is to provide rules of practice before the pollution control hearings board (hereinafter "board"). The interpretation of these rules of practice may be guided, where relevant, by the civil rules of superior court (hereinafter "civil rules") and the rules of evidence for the superior courts of the state of Washington, as those rules have been construed by Washington state courts.

(2) Except where in conflict with the board's rules, Washington statutes regarding pretrial procedures, civil rules and rules of evidence shall be followed in proceedings before the board unless the presiding officer determines that the evidence, although in conflict with the rules of evidence, is admissible pursuant to WAC 371-08-500.

(3) This chapter shall govern practice before the board. The rules in this chapter are consistent with the model rules

of procedure issued by the office of administrative hearings, chapter 10-08 WAC, except where specifically noted.

### NEW SECTION

**WAC 371-08-305 Definitions.** As used in this chapter the following terms shall have the following meaning:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any state governmental entity, air pollution control authority, local health department or other agency whose decisions are subject to the board's jurisdiction.

(3) "Board" means the pollution control hearings board, a quasi-judicial board created pursuant to chapter 43.21B RCW and described in WAC 371-08-315. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

(4) "Department" refers to and means the department of ecology.

(5) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

(6) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, allowed to intervene or joined as a party by the board.

(7) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(8) "Presiding officer" means a member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or vice-chairperson.

(9) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to delivery service of the copies.

(d) Commercial parcel delivery service. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

**PART B**  
**BOARD ADMINISTRATION AND JURISDICTION**

**NEW SECTION**

**WAC 371-08-315 Membership, function and jurisdiction.** (1) **Members.** The board is composed of three members appointed by the governor, with the advice and consent of the senate, for a term of six years. The members are to be qualified by experience or training in pertinent matters pertaining to the environment, and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(2) **Function and jurisdiction.** The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of ecology, from the decisions of air pollution control authorities established pursuant to chapter 70.94 RCW, and from the decisions of local health departments, when such orders and decisions concern matters within the jurisdiction of the board as provided in RCW 43.21B.110:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.105.095, 70.107.050, 86.16.081, 88.46.090, 90.03.600, 90.48.144, 90.56.310, 90.56.320, 90.56.330 and 90.58.560.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.065, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.107.060, 88.46.070, 90.14.130, 90.14.190 and 90.48.120.

(c) The issuance, modification, termination or denial of any permit certificate or license by the department of ecology or any air pollution control authority.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits or of biosolid permits pursuant to chapter 70.95 RCW.

(e) Disputes between the department and the governing bodies of local governments regarding local planning requirements under RCW 70.105.220 and zone designation under RCW 70.105.225, pursuant to RCW 70.105.250.

(f) Any other decision by the department of ecology, the administrator of marine safety or an air pollution control authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(3) This section is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction.

**NEW SECTION**

**WAC 371-08-320 Environmental hearings office hours, telephone number and address.** (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the board holds meetings at 10:00 a.m. on the second Monday of each month at the address set forth below.

(2) The board is housed at the Environmental Hearings Office, 4224 6th Avenue S.E., Building 2, Rowe Six, Lacey, Washington. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(3) The mailing address of the board is:

Pollution Control Hearings Board  
4224 6th Avenue S.E., Building 2, Rowe Six  
PO Box 40903  
Lacey, WA 98504-0903

(4) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(5) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

**NEW SECTION**

**WAC 371-08-325 Public information about practice before the board and public records.** (1) Questions about practicing before the board may be directed to the environmental hearings office by mail or, during regular office hours, by telephone or by telefacsimile.

(2) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-12 WAC are available for public inspection and copying during regular office hours at the environmental hearings office. The form for requests for public records is set forth in WAC 198-12-140. Any person seeking to make copies of such public records may copy the documents at the environmental hearings office for a reasonable charge per page.

**NEW SECTION**

**WAC 371-08-330 Board decision making on appeals.** The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 43.21B.305, cases that involve an appeal of a civil penalty of five thousand dollars or less imposed by the department of ecology, another state agency or an air pollution control authority may be heard by a single member of the board. Such cases are called short-board appeals. The decision of that single member shall be the final decision of the entire board.

(2) **Full-board appeals.** All other types of appeals are called full-board appeals. The chairperson may assign a single member to hold the hearing in a full-board appeal; however, at least two members shall review the record and issue a decision. Two members of the board shall constitute a quorum for making a decision and may act although one position on the board is vacant or one board member is unavailable.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental hearings office to be the presiding officer.

**PART C**  
**FILING AN APPEAL WITH THE BOARD AND SERVICE**

**NEW SECTION**

**WAC 371-08-340 Contents of notice of appeal.** The notice of appeal shall contain:

(1) The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application;

(4) A short and plain statement showing the grounds upon which the appealing party considers such order or decision to be unjust or unlawful;

(5) A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal.

(6) The relief sought, including the specific nature and extent;

(7) The signature of the representative of the appealing party or the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the notice of appeal and that it is consistent with civil rule 11;

(8) All pleadings shall be so construed as to do substantial justice.

#### NEW SECTION

**WAC 371-08-350 Service of documents on representatives.** Service of any document required to be served on a party to a case, including final decisions of the board, may be made by serving the party's representative in the matter.

#### NEW SECTION

**WAC 371-08-355 Petitions for declaratory ruling.**  
 (1) As prescribed by RCW 34.05.240, any interested person may petition the board for a declaratory ruling. The board shall consider any petition for declaratory ruling in accordance with these rules and the Administrative Procedure Act.  
 (2) Two members of the board shall constitute a quorum when the board acts on a declaratory judgment petition. Two members of the board may act although one position on the board is vacant.

#### NEW SECTION

**WAC 371-08-360 Petitions for rule making.** (1) As prescribed by RCW 34.05.330, any person may petition the board to promulgate, amend or rescind the board's administrative rules, as set forth in this chapter. The provisions of these rules and the Administrative Procedure Act shall apply to petitions for rule making.

(2) Two members of the board shall constitute a quorum when the board promulgates, amends or rescinds its administrative rules. Two members of the board may act although one position on the board is vacant.

### **PART D APPEARANCE AND PRACTICE BEFORE THE BOARD**

#### NEW SECTION

**WAC 371-08-365 Persons who may appear before the board.** (1) Any person has the right to represent himself or herself in a proceeding before the board.

(2) The only persons who are qualified to represent another person or entity before the board are the following:

(a) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(b) An authorized officer, partner, owner, employee or member of an association, partnership, corporation, organization, government subdivision or agency.

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied.

(d) Any other individual designated by an entity to serve as spokesperson in a case, with the approval of the board's presiding officer.

(3) No former employee of the department or member of the attorney general's staff may, at any time after leaving the employment of the department or the attorney general, appear, except when permitted by the applicable state conflict of interest laws, in a representative capacity on behalf of other parties in a formal proceeding in which an active part as a representative of the department was taken in the same case or proceeding.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, represent a party before the board on any matter.

#### NEW SECTION

**WAC 371-08-370 Procedure for representing a party before the board.** (1) An attorney or authorized representative as defined in WAC 371-08-365 may appear for a party by either of the following actions:

(a) Filing a notice of appeal, another pleading or a written notice of appearance containing the name of the party to be represented, and the name, address and telephone number of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Unless the department notifies the board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered an appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, all other parties to the appeal shall serve all future pleadings

and correspondence upon that representative. Service upon the representative shall constitute service upon the party.

#### NEW SECTION

**WAC 371-08-375 Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately so notify the board and all parties of record in writing, or shall state such withdrawal on the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

#### NEW SECTION

**WAC 371-08-380 Conduct before the board by representatives.** All persons who are representing parties before the board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. Representatives who, in the opinion of the presiding officer, violate those ethical standards may be reprimanded or sanctioned as appropriate. Sanctions may include, among other measures, the imposition of costs and the exclusion of the representative from the proceedings. The board may, after notifying the representative and holding a hearing, take appropriate disciplinary action including, but not limited to, barring such person from representing any party in any future proceedings before the board.

#### NEW SECTION

**WAC 371-08-385 Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

#### NEW SECTION

**WAC 371-08-390 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas and enter protective orders as provided in the Administrative Procedure Act;
- (3) To rule on all procedural matters, objections and motions;
- (4) To rule on all offers of proof and receive relevant evidence;
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to fairly and equitably decide the appeal;

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;

(8) To issue orders joining other parties, on motion of any party or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings;

(9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(10) To hold prehearing conferences and settlement conferences;

(11) To permit and regulate the taking of discovery;

(12) To regulate the course of the hearing;

(13) To dismiss an appeal or take other appropriate actions if a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding;

(14) To take any other action necessary and authorized by these rules and the law.

#### NEW SECTION

**WAC 371-08-395 Mediation.** The board may on occasion recommend that the parties to an appeal engage in mediation. One or more parties may also recommend to the other parties or the presiding officer that a mediation occur. Subject to availability, an administrative appeals judge from the environmental hearings office may serve as the mediator for the board. In the event that the mediation proves unsuccessful and the appeal proceeds to hearing, any administrative appeals judge who served as a mediator will neither preside over the appeal hearing nor have any contact with the board members regarding the appeal other than to inform the board members that the mediation did not result in a settlement.

#### NEW SECTION

**WAC 371-08-400 Subpoenas.** (1) **Issuance.** Subpoenas may be issued by any member of the board, the presiding officer assigned to the case or an attorney of record, as provided in the Administrative Procedure Act. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by the presiding officer or a board member shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, shall prepare the subpoenas for issuance, shall send them to the board's office for signature, and, upon return, shall make arrangements for service.

(2) **Form.** Every subpoena shall name the pollution control hearings board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) **Service.** Service of subpoenas to a witness who is not a party to the case shall be made by personally serving a copy of the subpoena to such person, in accordance with civil rule 45, and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and

the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) **Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgment of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) **Quashing.** Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person subpoenaed and upon notice to the party for whom the subpoena was issued, the presiding officer may:

(a) Quash; or

(b) Modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(c) Condition denial of the motion upon just and reasonable conditions.

(6) **Geographical scope.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

## PART E PREHEARING PRACTICE

### NEW SECTION

**WAC 371-08-405 Jurisdictional requirements of the board—Dismissal on jurisdictional grounds.** (1) Timely filing of the notice of appeal with the board and timely service of the notice of appeal on the appropriate agency must both be accomplished for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear an appeal, and the board may independently raise the jurisdictional issue. The board shall, when satisfied that it does not have jurisdiction, dismiss an appeal.

### NEW SECTION

**WAC 371-08-410 Correction or amendment of notice.** (1) If any notice of appeal is found to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of such appeal upon failure to comply within a specified time.

(2) Other amendments and supplemental pleadings shall conform to civil rule 15.

### NEW SECTION

**WAC 371-08-415 Stays.** (1) A person appealing an order not stayed by the issuing agency may obtain a stay of the effectiveness of that order only as set forth in this section.

(2) An appealing party may request a stay by including such a request in the notice of appeal or in a subsequent motion. The request must be accompanied by a statement of grounds for the stay and evidence setting forth the factual basis upon which the request is based.

(3) Upon receipt of a request for a stay, the board will confer with the parties regarding its disposition. If necessary, a hearing on the motion will be held. If it appears that a hearing on the merits and issues of the case should be consolidated with the request for a stay, the board will advance the hearing date on its own initiative or by request of the parties.

(4) The requester makes a prima facie case for a stay if the requester demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the board shall grant the stay unless the agency demonstrates either:

(a) A substantial probability of success on the merits; or

(b) Likelihood of success and an overriding public interest which justifies denial of the stay.

(5) Unless otherwise stipulated by the parties, the board, after granting or denying a request for a stay, shall expedite the hearing and decision on the merits.

(6) Any party aggrieved by the grant or denial of a stay by the board may petition the superior court of Thurston County for review of that decision pending the hearing on the merits before the board.

### NEW SECTION

**WAC 371-08-420 Intervention.** (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor pursuant to civil rule 24, that the intervention will serve the interests of justice and that the prompt and orderly conduct of the appeal will not be impaired.

(2) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

### NEW SECTION

**WAC 371-08-425 Joinder of parties.** The presiding officer shall order the joinder of the permittee, permitting agency or any other interested person or entity in accordance with civil rule 19. The presiding officer may also permit the joinder of the persons who are not necessary to the determination of the appeal in accordance with civil rule 20.

### NEW SECTION

**WAC 371-08-430 Scheduling letter.** (1) Upon receipt of a notice of appeal which complies with the requirements of these regulations, the board shall mail written notice to each party of the primary and, if applicable, the secondary hearing dates. The notice or scheduling letter will identify the case to be heard, the identity of the parties and the time and location of the hearing. The letter shall also state that an interpreter can be made available upon reasonable notice to the board for any witness or party who is hearing impaired or who does not speak English.

(2) The letter may set out a filing schedule for motions and prehearing briefs. Where the presiding officer decides to hold a prehearing conference, the letter shall also state the date, time and location of the prehearing conference.

(3) The scheduling letter shall control the subsequent course of the appeal unless modified for good cause by subsequent order of the board or the presiding officer.



NEW SECTION

**WAC 371-08-435 Prehearing conferences.** (1) The board may, upon written request by a party or on its own, schedule a prehearing conference on not less than seven days notice mailed to each party to the appeal, at a time and place fixed by the board. At the prehearing conference, parties may engage in settlement negotiations. Where settlement proves unavailing, the presiding officer may schedule all deadlines for motions and discovery and memorialize those dates in a prehearing order. The prehearing order may also identify the issues to be tried, stipulations, admissions, witnesses and exhibits for the hearing.

(2) The issues which the prehearing order identifies for the hearing shall control the subsequent course of the appeal, and shall be the only issues to be tried at the hearing, unless modified for good cause by subsequent order of the board or the presiding officer.

(3) Appearance by a party or by the party's representative at the prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or take other appropriate action.

NEW SECTION

**WAC 371-08-440 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare and submit to the board a written order of dismissal to which the written settlement agreement is attached. If the agreement is in accordance with the law, the board shall enter the order and dismiss the case.

(2) This section also pertains to settlement agreements reached during mediation.

NEW SECTION

**WAC 371-08-445 Use of telephone conferences, motion hearings and hearings.** Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone call to promote the fair, speedy and economical processing of a matter. If the presiding officer grants a party's request for a telephone conference, the requesting party shall initiate and pay for the call.

NEW SECTION

**WAC 371-08-450 Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. The presiding officer will decide whether or not a motion hearing will be held and notify the parties accordingly. At a motion hearing, the

board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. Where any party requests a motion hearing, that party shall procure from the hearing coordinator an available date for the motion hearing and prepare a note that sets the time, date and location of the motion hearing. The moving party shall note the motion for hearing on a date deemed by the hearing coordinator to be available for that purpose. The motion, order and note for motion hearing shall then be filed and served. Where the hearing coordinator specifies that the motion hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than forty-five days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

NEW SECTION

**WAC 371-08-455 Setting primary and secondary hearing dates.** (1) Each case shall be assigned a primary hearing date. A case has first priority for hearing on that date.

(2) Each case may be assigned a secondary hearing date. That date will precede the primary hearing date. A case has second priority for hearing on the secondary date, and will proceed to hearing only if the primary case does not proceed. The parties to a primary case shall inform the hearing coordinator for the board as soon as any settlement occurs. The parties to a secondary case may contact the hearing coordinator to learn whether or not the primary case will proceed. The parties to a secondary case may also contact directly the parties to a primary case to learn whether or not the primary case will proceed.

NEW SECTION

**WAC 371-08-460 Postponements or continuances of hearings.** (1) Postponement or continuance of a hearing is within the discretion of the board, whether contested or uncontested by the parties. The board may postpone or continue a hearing on its own motion.



(2) The postponement or continuance of a hearing shall be sought by written motion and according to the procedure set forth in WAC 371-08-450.

#### NEW SECTION

**WAC 371-08-465 Dismissal, default or withdrawal of the appeal.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or dismissal order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before the appellant rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

### **PART F HEARINGS**

#### NEW SECTION

**WAC 371-08-470 Hearing briefs.** Hearing briefs, if filed, shall be submitted to the board at least seven days before the hearing or such other time as the board may prescribe. An original and three copies of the brief shall be filed with the board and a copy served on the other parties or their attorneys. The board may permit or require the filing of additional briefs.

#### NEW SECTION

**WAC 371-08-475 Procedures at hearings.** (1) **Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Testimony under oath.** Oaths shall be administered by the presiding officer or other officer with authority to administer oaths. All testimony to be considered by the board shall be sworn or affirmed.

(3) **Recording.**

(a) An official record of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

(4) **Order of presentation of evidence.**

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce its evidence, except that in case of an appeal from a regulatory order or an order assessing a penalty, the agency shall initially introduce all evidence necessary to its case.

(b) The opposing party shall present its evidence after the party initially presenting evidence has rested.

(c) Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(d) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

(5) **Opening statements.** Unless the presiding officer rules otherwise, parties may present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues of the case.

(6) **Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to the board and all parties at the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

(7) **Former employee as an expert witness.** No former employee of the department shall at any time after leaving the employment of the department appear, except when permitted by applicable state conflict of interest law, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department was taken.

(8) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form stating the legal grounds of objection relied upon.

(9) **Rulings.** The presiding officer, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 371-08-480 through 371-08-515.

#### NEW SECTION

**WAC 371-08-480 Additional evidence by presiding officer.** The presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by the presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by the presiding officer, application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

#### NEW SECTION

**WAC 371-08-485 Standard and scope of review and burden of proof at hearings.** (1) Hearings shall be formal and quasi-judicial in nature. The standard of review shall be de novo unless otherwise provided by law.

(2) The issuing agency shall have the initial burden of proof in cases involving penalties or regulatory orders. In other cases, the appealing party shall have the initial burden of proof.

#### NEW SECTION

**WAC 371-08-490 Provision of interpreters and of reasonable accommodations to individuals with special needs.** (1) Whenever any person involved in an adjudicative proceeding is eligible for an interpreter, as that eligibility is defined in WAC 10-08-150, or qualifies for reasonable

accommodations as a person with disabilities, that person shall request an interpreter or other reasonable accommodation from the presiding officer not later than three weeks before the date of the hearing, conference or other situation for which the interpreter or accommodation is needed. The board shall comply with the provisions of WAC 10-08-150 and 10-08-160(2) regarding interpreters.

(2) Information about proceedings before the board is available in alternate format upon request.

#### NEW SECTION

**WAC 371-08-500 Rules of evidence—Admissibility criteria.** (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

#### NEW SECTION

**WAC 371-08-510 Rules of evidence—Official notice—Material facts.** (1) In the absence of controverting evidence, the presiding officer, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(a) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(b) **Business customs.** General customs and practices followed in the transaction of business;

(c) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(d) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(2) **Request or suggestion.** Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(3) **Statement.** Where a final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(4) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by a petition for reconsideration. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

#### NEW SECTION

**WAC 371-08-515 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

### **PART G DECISIONS BY THE BOARD AFTER HEARING**

#### NEW SECTION

**WAC 371-08-520 Contents of the record.** The record before the board in any adjudicative proceeding shall consist of the decision or order appealed from, the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 371-08-525, and other proceedings at the hearing, together with all exhibits admitted. No part of the department's record or other documents shall be made part of the record of the board unless admitted in evidence.

#### NEW SECTION

**WAC 371-08-525 Preparation of transcripts.** (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

(2) When the board does not cause a transcript to be printed, it shall be the obligation of the party wishing a

transcript, or portions of it, to order the same from the board reporter and assume the printing costs.

#### NEW SECTION

**WAC 371-08-530 Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel and be based upon the board's oral or memorandum opinion. The board or presiding officer may adopt, in whole or in part, the parties' findings, conclusions and orders or the board may prepare its own findings, conclusions and orders.

#### NEW SECTION

**WAC 371-08-535 Final decisions and orders.** (1) When the hearing on the appeal has been concluded, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by a majority of the board may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

(2) The record before the board shall be considered by at least two of the members of the board: *Provided*, That if two members cannot agree on a decision, the third member must consider the record before the board: *And provided further*, That if two members cannot agree on a decision in any case, the substantive decision of the agency (or authority) will control in those cases where the appealing party has the burden of proof.

(3) Copies of the final decision and order shall be mailed by the board to each party to the appeal or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

#### NEW SECTION

**WAC 371-08-540 Review of permits under the National Pollutant Discharge Elimination System.** (1) The provisions of this section shall apply only to review proceedings before the board pertaining to permits issued by the department under the provisions of the National Pollutant Discharge Elimination System.

(2) In those cases where the board determines that the department issued a permit that is invalid in any respect, the board shall order the department to reissue the permit as directed by the board and consistent with all applicable statutes and guidelines of the state and federal governments.

#### NEW SECTION

**WAC 371-08-545 Review of permits issued under chapter 173-303 WAC.** (1) This section shall only apply to the board's review of permits issued by the department under chapter 173-303 WAC.

(2) In the event that the board determines that a department permit under chapter 173-303 WAC is invalid in any respect, the board shall remand the permit to the department for reconsideration and appropriate action consistent with the board's order and federal and state law.

#### NEW SECTION

**WAC 371-08-550 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final decision. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal or to the attorney or representative of record. Service on the representative shall be deemed to be service on the party.

### **PART H APPEALS FROM BOARD DECISIONS**

#### NEW SECTION

**WAC 371-08-555 Notice of appeal to the superior court.** All appeals from orders of the board shall be to a superior court, unless the board certifies the order for direct review to the court of appeals. In cases of appeal to superior court, the appealing party shall file with the board and all parties of record a copy of the notice of appeal to the superior court.

#### NEW SECTION

**WAC 371-08-560 Direct review to the court of appeals upon certification by the board.** (1) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and must serve the board and all parties of record. The application for direct review shall request the board to file a certificate of appealability.

(2) If the board's jurisdiction is among the issues on review to the superior court, the board may, on its own motion, file an application for direct review with the superior court on the jurisdictional issue.

(3) From the date the board is served a copy of the application for direct review under subsection (1) of this section, the board shall have thirty days to grant or deny the request to file a certificate of appealability. The board shall file the certificate of appealability, or its decision denying the certificate, together with the board's final order being appealed, with the superior court and serve the parties of record.

(4) The board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determina-

tion of the issues would be detrimental to any party or the public interest, and either of the following:

(a) Fundamental and urgent state-wide or regional issues are raised; or

(b) The proceeding is likely to have significant precedential value.

(5) The board shall state in the certificate of appealability, or in its decision denying the certificate, which criteria set forth in subsection (4) of this section it applied and how those criteria were or were not met.

(6) Where the board issues a certificate of appealability, the parties shall have fifteen days from the date the certificate is served to file a notice of discretionary review in the superior court. The notice shall include a copy of both the certificate of appealability and the final order or decision of the board.

(7) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(8) If the certificate of appealability is denied, review of the board's decision shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**NEW SECTION**

**WAC 371-08-565 Certification of record.** Within thirty days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court. Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

**PART I  
SEPA REVIEW OF BOARD ACTIVITIES**

**NEW SECTION**

**WAC 371-08-570 Applicability of SEPA guidelines.** The board has reviewed its authorized activities pursuant to the SEPA rules and has found them all to be exempt from that chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 371-08-001 Purpose and applicability.
- WAC 371-08-002 Commencement of adjudicative proceedings.
- WAC 371-08-005 Membership, function and jurisdiction.
- WAC 371-08-010 Board administration—Office and address of the board.
- WAC 371-08-020 Board administration—Quorum.

- WAC 371-08-030 Board administration—Communications with the board—Public records.
- WAC 371-08-032 Definitions.
- WAC 371-08-033 Service of documents on representatives.
- WAC 371-08-035 Appearance and practice before the board—Persons who may and may not appear.
- WAC 371-08-040 Appearance and practice before the board—Appearance by representative.
- WAC 371-08-050 Appearance and practice before the board—Withdrawal or substitution of representatives.
- WAC 371-08-055 Appearance and practice before the board—Conduct.
- WAC 371-08-061 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.
- WAC 371-08-065 Presiding officer—Powers and duties.
- WAC 371-08-071 Subpoenas.
- WAC 371-08-075 Appeals to the board—Contents of notice of appeal.
- WAC 371-08-080 Appeals to the board—Time for filing appeals.
- WAC 371-08-085 Appeals to the board—Jurisdictional requirements—Dismissal on jurisdictional grounds.
- WAC 371-08-100 Appeals to the board—Correction or amendment of notice.
- WAC 371-08-104 Appeals to the board—Stays.
- WAC 371-08-106 Appeals to the board—Intervention.
- WAC 371-08-125 Conferences—Purpose of prehearing conferences.
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- WAC 371-08-250 Review of permits under the National Pollutant Discharge Elimination System.
- WAC 371-08-255 Review of permits issued under chapter 173-303 WAC.
- WAC 371-08-260 Applicability of SEPA guidelines.

**WSR 96-15-018A**  
**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 5098—Filed July 9, 1996, 11:22 a.m.]

Date of Adoption: July 5, 1996.

Purpose: To revise current rules to correspond with the changes on the amended commercial feed law.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-200-640 and 16-200-650; amending WAC 16-200-750, 16-200-760, 16-200-770, 16-200-790, 16-200-805, 16-200-815, 16-200-830 and 16-200-860; and new sections WAC 16-200-755, 16-200-795, 16-200-865, 16-200-885, and 16-200-887.

Statutory Authority for Adoption: RCW 15.53.9012.

Adopted under notice filed as WSR 96-10-071 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 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.

July 8, 1996

Jim Jesernig

Director

**AMENDATORY SECTION** (Amending Order 1016, filed 5/20/66)

**WAC 16-200-750 Definitions ((of feed ingredients)) and terms.** (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

**Note:** A copy of the 1996 official publication of the association of American Feed Control Officials is on file with the department. Copies may be obtained from AAFCO Treasurer; Georgia Department of Agriculture; Plant Food, Feed and Grain Division; Capitol Square; Atlanta, GA 30334.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of RCW 15.53.901(2): Raw meat, loose salt, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: *Provided*, That these commodities are not adulterated within the meaning of RCW 15.53.902.

(4) The term "quantity statement" means the net weight (mass) as defined in RCW 19.94.010 (1)(i), net volume (liquid or dry) or count.

(5) The following definitions, in addition to the official definitions adopted by AAFCO, as published in the 1996 edition, are adopted:

(a) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

~~((2))~~ (b) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

~~((3))~~ (c) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

~~((4))~~ (d) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

~~((5)) Poultry by-products for mink feed shall consist of nonrendered clean parts of carcasses of slaughtered poultry such as heads, feet, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.~~

~~(6) Fish by-products for mink feed shall consist of nonrendered clean parts of carcasses of fish such as heads, frames, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.~~

~~((7))~~ (e) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

~~((8))~~ (f) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

~~((9))~~ (g) Dehydrated (~~(alfalfa or)~~) grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto.

(h) Facility is defined as any place where a commercial feed is manufactured, sold or stored for later distribution.

## NEW SECTION

**WAC 16-200-755 Label format.** (1) Except as provided for in subsection (2) of this section, commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section on the principal display panel of the product and in the following general format:

- (a) Product name and brand name if any;
- (b) If a drug is used, the label shall include:
  - (i) The word "medicated" directly following and below the product name in type size, no smaller than one-half the type size of the product name;
  - (ii) The purpose of the medication (claim statement);
  - (iii) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-200-770(5);
- (c) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by WAC 16-200-795 and 16-200-830 appear elsewhere on the label;
- (d) The guaranteed analysis of the feed required under the provisions of RCW 15.53.9016 (1)(b). This shall include

the following items, unless exempted in subsection (2) of this section, in the order listed:

- (i) Minimum percentage of crude protein;
- (ii) Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in WAC 16-200-770(8);
- (iii) Minimum percentage of crude fat;
- (iv) Maximum percentage of crude fiber;
- (v) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods and specialty pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient;
- (vi) For mineral feeds the guaranteed analysis shall include the following, if added:
  - (A) Minimum and maximum percentages of calcium (Ca);
  - (B) Minimum percentage of phosphorus (P);
  - (C) Minimum and maximum percentages of salt (NaCl);
- and
  - (D) Other minerals;
  - (vii) Vitamins in such terms as specified in WAC 16-200-770(4);
  - (viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
  - (ix) Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-200-770(10);
- (e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c):
  - (i) The name of each ingredient as defined in the 1996 Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department;
  - (ii) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the 1996 Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients: *Provided, That:*
    - (A) When a collective term of a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label;
    - (B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state;
  - (f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory;
  - (g) Quantity statement.
- (2) Exemptions.
  - (a) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal.
  - (b) Guarantees for vitamins are not required when the commercial feed is neither formulated for, nor represented in any manner as a vitamin supplement.
  - (c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended

for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(3) The information required by subsection (1)(a) and (b) and (d) through (g) of this section must appear in its entirety on one side of the label or container.

(4) The information required by subsection (1)(c) of this section shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by subsection (1)(c) of this section is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "see back of label for directions for use." None of the information required by RCW 15.53.9016 shall be subordinated or obscured by other statements or designs.

(5) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label. Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(6) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive products unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(7) Customer-formula feed shall be labeled with the information prescribed using labels, invoice, delivery ticket, or other shipping document bearing the following information:

- (a) The name and address of the manufacturer;
- (b) The name and address of the purchaser;
- (c) The date of delivery;
- (d) The product name and the quantity statement;
- (e) The product name and quantity statement of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the date of the last sale. This information shall be available to the purchaser, the dealer making the sale, and the department on request;

(f) The direction for use and precautionary statements as required by WAC 16-200-795 and 16-200-830;

- (g) If a drug is used, the labeling shall include:
  - (i) The purpose of the medication (claim statement);
  - (ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-200-770(5).

(8) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a label in accordance with the provisions of RCW 15.53.9016(1).

(9) All bulk deliveries of commercial feed shall be accompanied by a label or a shipping document in accordance with the provisions of RCW 15.53.9016(1).

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

**WAC 16-200-760 Brand and product names.** (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed terms as established in the ((latest)) 1996 official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: *Provided*, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770(((3))) (4).

(5) The term "mineralized" shall not be used in the name of a feed except "trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: *Provided*, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.



AMENDATORY SECTION (Amending Order 1016, filed 5/20/66)

WAC 16-200-770 Expression of guarantees. (1) The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

(2) The sliding-scale method of expressing guarantees (for example, protein fifteen to eighteen percent) is prohibited, except as specifically provided by the law or by ((regulation)) rule.

~~((2) Drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except that antibiotics present at less than two thousand grams (total) of antibiotics per ton of feed shall be guaranteed in terms of grams per ton of feed or when present at two thousand grams per ton or more they shall be guaranteed in terms of grams per pound of feed.))~~

(3) Mineral feeds shall be labeled with guarantees for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, minimum and maximum percentages of salt, and minimum or maximum of other minerals as specified, if added.

(a) When the calcium and salt guarantees are given in the guaranteed analysis, they shall be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage point.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point.

(iii) When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

(b) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

(4) Guarantees of minimum vitamin content of commercial feeds ((and feed supplements)) shall be listed in the order specified and shall be stated in ((units of)) milligrams per pound ((as provided herein: Vitamin E in USP or International units; vitamin A, other than precursors of vitamin A, in USP units; vitamin D in products offered for poultry feeding in International Chick units, vitamin D for other uses in USP units; all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing that the term "d-pantothenic acid" or calcium pantothenate be used in stating the pantothenic acid guarantee.

~~((4)) unless otherwise specified:~~

(a) Vitamin A, other than precursors of Vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D, for other uses, in International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D, and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: Menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(5) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) Labels for commercial feeds containing growth promotion and/or feed efficiency labels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

~~((6) Pursuant to RCW 15.53.9016 (1)((e)) (b) of the law, all commercial feeds except poultry laying rations, containing five percent or more mineral ingredients, shall include in the guaranteed analysis the minimum ((and maximum percentages of calcium (Ca) and salt (NaCl) and the minimum)) percentages of phosphorus (P) and iodine (I), if added. Minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element. Should the registrant choose to guarantee minerals of commercial feeds with less than five percent of mineral ingredients, these guarantees shall be stated as above.~~

~~((5)) (7) Poultry laying rations containing twelve percent or more mineral ingredients shall be considered mineral feeds and subject to the requirements of subsection ((4) above) (6) of this section.~~

~~((6) Commercial feeds which need not be labeled to show guarantees for crude protein, crude fat, and crude fiber are:~~

~~(a) Commercial feeds distributed solely as mineral and/or vitamin supplements.~~

~~(b) Molasses.~~

~~(c) Drug compounds.) (8) Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:~~

~~(a) For ruminants:~~

~~(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:~~

~~Crude protein, minimum, .....%~~

~~(This includes not more than .....% equivalent crude protein from nonprotein nitrogen.)~~



(ii) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent crude protein from nonprotein nitrogen, minimum, .....%

(iii) Ingredient sources of nonprotein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic nonprotein nitrogen ingredients referenced under WAC 16-200-750 shall be guaranteed as follows:

Nitrogen, minimum, .....% equivalent crude protein from nonprotein nitrogen, minimum, .....%

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum, .....%

(This includes not more than .....% equivalent crude protein which is not nutritionally available to species of animals.)

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than 1.25% equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(9) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(10) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

WAC 16-200-790 Ingredient statement. ((1) Each ingredient must be specifically named. When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the names and definitions as established in the latest official publication of the Association of American Feed Control Officials.

(2) Pursuant to RCW 15.53.9016 (1)(d), collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the 1971 official publication of the Association of American Feed Control Officials may be used in lieu of the individual ingredients: Provided, That

(a) When a collective term for a group of the ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(b) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within the defined groups, that were used in the manufacture of a specific feed.

(3) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(6) Pursuant to RCW 15.53.9016 (1)(d) of the law, alternative listing of ingredients within the following groups may be shown on the label or label facsimile on an and/or basis:

(a) Corn, hominy feed, wheat, barley, oats, and grain sorghums.

(b) Cottonseed meal, soybean meal, peanut meal, linseed meal, corn gluten meal, safflower meal, and rapeseed meal.

(c) Beet molasses, corn sugar molasses, citrus molasses, and cane molasses.

(d) Wheat bran, wheat mill run, and wheat middlings.

(e) Wheat shorts, wheat red dog, corn germ meal, corn gluten feed, and grain sorghum gluten feed.

(f) Dehydrated alfalfa meal and dehydrated grass meal.

(7) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(8) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted:)) (1) As provided in WAC 16-200-755 (1)(e), the name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name defined in the Official Definitions of Feed Ingredients as published in the 1996 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials, as published in the 1996 official publication of Association of American Feed Control Officials, is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(8) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(9) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.

PERMANENT

NEW SECTION

**WAC 16-200-795 Directions for use and precautionary statements.** (1) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations of the Code of Federal Regulations, Title 21, parts 500-599 under the Federal Food, Drug and Cosmetic Act as provided in the 1995 edition.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A copy of the 1995 edition, Parts 200-599 is on file with the department.

(2) Adequate directions for use and precautionary statements as identified in subsection (1) of this section are required for feeds containing nonprotein nitrogen as specified in WAC 16-200-830.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use as identified in subsection (1) of this section are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

AMENDATORY SECTION (Amending Order 5038, filed 3/31/94, effective 5/1/94)

**WAC 16-200-805 Tonnage fees.** Pursuant to RCW 15.53.9018, (~~(beginning May 1, 1994,)~~) each initial distributor of a commercial feed in this state shall pay to the department of agriculture an inspection fee of (~~(eight and one-half)~~) nine cents per ton on all commercial feed sold by such person during the year (~~(and, beginning July 1, 1994, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of nine cents per ton on all commercial feed sold during the year).~~) The minimum inspection fee, the late penalty fee and exceptions to payment of ((this)) fee are as authorized in RCW 15.53.9018.

AMENDATORY SECTION (Amending Order 1776, filed 11/17/82)

**WAC 16-200-815 Adulteration.** (1) Pursuant to RCW 15.53.902, (~~(a commercial feed or feed ingredient shall also be deemed to be adulterated if it contains more than twenty parts per billion aflatoxin B<sub>1</sub>.)~~) the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) A commercial feed or feed ingredient which contains more than twenty parts per billion aflatoxin B<sub>1</sub>, B<sub>2</sub>, G<sub>1</sub>, G<sub>2</sub>, individually or total;

(b) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and

dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight;

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents;

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B<sub>1</sub> (Thiamine).

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one viable prohibited (primary) noxious weed seeds per pound and not more than twenty-five viable restricted (secondary) noxious weed seeds per pound.

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

**WAC 16-200-830 Nonprotein nitrogen.** (1) Urea and other nonprotein nitrogen products defined in the 1996 official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein (~~(and are not to be used in commercial feeds for other animals and birds).~~)

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, or exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a caution statement: CAUTION: USE AS DIRECTED. The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(4) Nonprotein nitrogen defined in the 1996 Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The

maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25% of the total daily ration.

**AMENDATORY SECTION** (Amending Order 1164, filed 10/1/70)

**WAC 16-200-860 Used sacks and containers.** Used sacks and containers may be used again if thoroughly cleaned so that all feed and foreign matter is removed; and if the outer surface is free from all matter and labeling deceptive as to the contents of the sack and the container: *Provided*, That sacks and containers used for chemicals, pesticides, treated seeds, or other potential adulterants shall not knowingly be used for feed.

#### NEW SECTION

**WAC 16-200-865 Commercial feed license.** (1) Pursuant to RCW 15.53.9013, a commercial feed license is required for each facility. Any person who makes only retail sales of bagged or packaged commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under RCW 15.53.9018 is not required to obtain a license.

(2) The commercial feed license application form, to be completed by applicants and licensees, shall include name and business address of the applicant and information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker) and the type of commercial feed distributed (medicated feed, complete feed, feed supplement, animal products).

#### NEW SECTION

**WAC 16-200-885 Commercial feed label submission.** Pursuant to RCW 15.53.9013, license applicants or licensees shall submit copies of commercial feed labels and labeling, when requested by the department with just cause, in order to determine compliance with the provisions of laws and rules.

#### NEW SECTION

**WAC 16-200-887 Good manufacturing practices.** For the purposes of enforcement of RCW 15.53.902(9) the department adopts the following as current good manufacturing practices:

(1) The regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.202.

(2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-200-640	Livestock remedies— Application for registration.
WAC 16-200-650	Concentrates, minerals and medicine used in feeds.
WAC 16-200-780	Definitions, sampling, and analysis.
WAC 16-200-800	Labeling.
WAC 16-200-810	Minerals.
WAC 16-200-850	Medicated feeds.
WAC 16-200-870	Products requiring registration.

#### **WSR 96-15-024 PERMANENT RULES HEALTH CARE AUTHORITY**

[Filed July 9, 1996, 4:04 p.m.]

Date of Adoption: July 8, 1996.

Purpose: Establishes rules for determining benefits, eligibility, enrollment and administrative processes for the Washington Basic Health Plan.

Citation of Existing Rules Affected by this Order: Repealing chapter 55-01 WAC; and amending Title 182 WAC (creates new chapter 182-25 WAC).

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 96-09-102 on April 17, 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 12, amended 0, repealed 12.

Number of Sections Adopted using Negotiated Rule Making: New 13, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 9, 1996

Elin Meyer

Rules Coordinator

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 55-01-001	Authority.
WAC 55-01-010	Definitions.
WAC 55-01-020	Schedule of benefits.
WAC 55-01-030	Premiums and copayments.
WAC 55-01-040	Eligibility.

- WAC 55-01-050 Enrollment in the plan.
- WAC 55-01-060 Disenrollment from the plan.
- WAC 55-01-070 Hearings and grievances.
- WAC 55-01-080 Contracts with managed health care systems.

**Chapter 182-25 WAC  
WASHINGTON BASIC HEALTH PLAN**

**NEW SECTION**

**WAC 182-25-001 Authority.** The administrator's authority to promulgate and adopt rules is contained in RCW 70.47.050.

**NEW SECTION**

**WAC 182-25-010 Definitions.** The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent." The following are eligible as dependents under BHP:

(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.

(b) Dependent child who is an unmarried child and who is:

(i) Younger than age nineteen and is one of the following: A natural child, stepchild or legally adopted child of a subscriber; or a child who has been placed with a subscriber

pending adoption or is under legal guardianship of a subscriber.

(ii) Younger than age twenty-three and is a registered student in full-time attendance at an accredited secondary school, college, university, technical college or school of nursing. Dependent student eligibility continues year-round, including the quarter or semester following graduation, for those who attend full time (except for school holidays and scheduled spring and summer breaks) provided the subscriber is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(c) Legal dependent of any age who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional

enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) College or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash;

(vii) Dividends and interest accessible to the enrollee without a penalty;

(viii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) University scholarships, grants, fellowships and assistantships if not convertible to cash;

(viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(20) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

(21) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(22) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(23) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(24) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. There shall be at least one annual open enrollment period of at least twenty consecutive days.

(25) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(26) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(27) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) The enrollee was prescribed or recommended medication; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(28) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.-060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(29) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(30) "Rate" means the per capita amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(31) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive

from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(32) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(33) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(34) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(35) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

#### NEW SECTION

**WAC 182-25-020 BHP benefits.** (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a three-month waiting period for preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of application for coverage under BHP. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted

practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the amount and scope of benefits provided under BHP, or policy changes regarding premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

#### NEW SECTION

**WAC 182-25-030 Eligibility.** (1) To be eligible for enrollment in BHP, an individual must:

- (a) Not be eligible for Medicare; and
- (b) Reside within the state of Washington.

Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who subsequently fails to meet these criteria, or who is later determined to have failed to meet the criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090.

(2) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

(3) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

(4) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds. In the event that the administrator closes enrollment, BHP will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. BHP will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

**NEW SECTION**

**WAC 182-25-040 Enrollment in the plan.** (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. Acceptable documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be used for purposes of eligibility determination. Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010 (17)(b).

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying child support for his/her dependents lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Managed health care systems may assist BHP applicants in the enrollment process, but must provide them with the toll-free number for BHP, information on all MHCS available within the applicant's county of residence and an estimate of the premium the applicant would pay for each available MHCS.

(5) Insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has never been a BHP member in the past.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(4), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(8) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a qualifying change in family status:

(a) The loss of other continuous health care coverage, for family members who have previously waived coverage, upon proof of continuous medical coverage from the date the subscriber enrolled;

(b) Marriage; or

(c) Birth, adoption or change in dependency or custody of a child or adult dependent. Eligible newborn or newly adopted children may be enrolled effective from the date of birth or physical placement for adoption provided that application for enrollment is submitted to BHP within sixty days of the date of birth or such placement for adoption.



(9) Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or other health care coverage, he/she may reenroll in BHP, subject to portability and preexisting condition policies as referenced in WAC 182-25-020(1) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. With the exception of enrollees under group coverage, enrollees who are disenrolled from BHP for nonpayment, in accordance with WAC 182-25-090(2), more than twice in a twelve-month period, and who have a lapse in coverage of one month or more, may not reenroll for a period of twelve months from the effective date of the third disenrollment.

(10) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be disenrolled from BHP. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that a subsidized enrollee's income exceeds twice the poverty level according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

#### NEW SECTION

**WAC 182-25-050 Employer groups.** (1) BHP will accept applications for group enrollment in BHP from business owners, their spouses and eligible dependents, and on behalf of their eligible full-time and/or part-time employees, their spouses and eligible dependents.

(2) With the exception of home care agencies (see WAC 182-25-060(2)), the employer must enroll at least seventy-five percent of all eligible employees within a classification of employees in the basic health plan, and the employer must not offer other health care coverage to the same classification of employees. For purposes of this section, a "classification of employees" will be defined as a subgroup of employees (for example, part-time employees, full-time employees or bargaining units). Employees who demonstrate in the application process that they have health care coverage from other sources, such as their spouse or a federal program, shall be excluded from the minimum participation calculation.

(3) BHP may require a minimum financial contribution from the employer for each enrolled employee.

(4) The employer will provide the employees the complete choice of BHP managed health care systems available within the employee's county of residence.

(5) The employer will pay all or a designated portion of the premium, as determined by the administrator, on behalf of the enrollee. It is the employer's responsibility to collect the employee's portion of the premium and remit the entire payment to BHP and to notify BHP of any changes in the employee's account.

(6) In the event that an employer group will be disenrolled, all affected employee(s) will be notified prior to the disenrollment, and will be informed of the opportunity to convert their BHP group membership to individual account(s).

(7) Employees enrolling in BHP must meet all BHP eligibility requirements as outlined in WAC 182-25-030.

#### NEW SECTION

**WAC 182-25-060 Home care agencies.** BHP will accept applications from home care agencies under contract with the department of social and health services (DSHS) for group enrollment in BHP, with premiums paid by the home care agency or DSHS or a designee, under the provisions for employer groups, WAC 182-25-050, with the following exceptions or additions:

(1) To qualify for premium reimbursement through DSHS, home care agencies who enroll under the provisions of this section must be under current contract with DSHS as a home care agency, as defined by DSHS.

(2) Home care agencies need not enroll at least seventy-five percent of all eligible employees in the basic health plan, and home care agencies may offer other coverage to the same classification of employees.

(3) Home care agencies need not make a minimum financial contribution for each enrolled employee.

(4) Home care agencies are not subject to WAC 182-25-050(5).

(5) Individual home care providers may enroll in BHP as individuals.

#### NEW SECTION

**WAC 182-25-070 Financial sponsors.** (1) A third party may, with the approval of the administrator, become a financial sponsor to BHP enrollees. Financial sponsors may not be a state agency or a managed health care system.

(2) The financial sponsor will establish eligibility for participation in that particular financial sponsor group; however, sponsored enrollees must meet all BHP eligibility requirements as outlined in WAC 182-25-030.

(3) The financial sponsor will pay all or a designated portion of the premium on behalf of the sponsored enrollee. It is the financial sponsor's responsibility to collect the enrollee's portion of the premium, if any, and remit the entire payment to BHP and to notify BHP of any changes in the sponsored enrollee's account.

(4) A financial sponsor must inform sponsored enrollees and BHP of the minimum time period for which they will act as sponsor. At least sixty days before the end of that time period, it is the responsibility of the financial sponsor to notify sponsored enrollees and BHP if the sponsorship will or will not be extended.

(5) A financial sponsor must not discriminate for or against potential group members based on health status, race,



color, creed, political beliefs, national origin, religion, age, sex or disability.

(6) A financial sponsor may choose the managed health care system available to sponsored enrollees who participate in that financial sponsor group; however, the sponsor must disclose to the sponsored enrollee all the managed health care systems within the enrollee's county of residence, the estimated premiums for each of them, and the BHP toll-free information number.

(7) BHP may periodically conduct a review of the financial sponsor group members to verify the eligibility of all enrollees.

#### NEW SECTION

**WAC 182-25-080 Premiums and co-payments.** (1) Subscribers or their employer or financial sponsor shall be responsible for paying the full monthly premium to BHP, on behalf of the subscriber and all enrolled dependents, according to the most current premium schedule. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of a subscriber and dependents, if any.

(2) The amount of premium due from or on behalf of a subscriber will be based upon the subscriber's gross family income, the managed health care system selected by the subscriber, rates payable to managed health care systems, and the number and ages of individuals in the subscriber's family.

(3) Once BHP has determined that an applicant and his/her dependents (if any) are eligible for enrollment, the applicant or employer or financial sponsor will be informed of the amount of the first month's premium for the applicant and his/her enrolled dependents. New enrollees will not be eligible to receive covered services on the effective date of enrollment specified by BHP unless the premium has been paid. Thereafter, BHP will bill each subscriber or employer or financial sponsor monthly.

(4) Full payment for premiums due must be received by BHP by the date specified on the bill. If BHP does not receive full payment of a premium by the date specified on the bill, BHP shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with BHP or, in the case of group or financial sponsor coverage, to the employer or financial sponsor. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received, as provided in WAC 182-25-090(2). Partial payment of premiums due or payment by check which is returned due to nonsufficient funds will be regarded as nonpayment.

(5) Enrollees shall be responsible for paying any required co-payment directly to the provider of a covered service at the time of service or directly to the MHCS. Repeated failure to pay co-payments in full on a timely basis may result in disenrollment, as provided in WAC 182-25-090(2).

#### NEW SECTION

**WAC 182-25-090 Disenrollment from BHP.** (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll. Reenrollment in BHP shall be subject to the provisions of WAC 182-25-040(9). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from BHP.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which shall include:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium;

(c) Repeated failure to pay co-payments in full on a timely basis;

(d) Fraud or knowingly providing false information;

(e) Abuse or intentional misconduct; and

(f) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system.

In the event that an employer group, a home care agency group or a financial sponsor group is disenrolled under these provisions, the employer or sponsor and all members of that group will be notified of the disenrollment and the enrollees will be offered coverage under individual accounts. BHP will make every effort to transfer the enrollees to individual accounts without a break in coverage; however, the enrollee will be responsible for ensuring that payment is received by BHP prior to the final disenrollment date for that month.

Enrollees who are disenrolled from BHP in accordance with (c), (d), (e) or (f) of this subsection may not reenroll for a period of twelve months from the effective date of disenrollment. With the exception of enrollees under group coverage, enrollees who are disenrolled from BHP for nonpayment, in accordance with (b) of this subsection, more than twice in a twelve-month period, and who have a lapse in coverage of one month or more, may not reenroll for a period of twelve months from the effective date of the third disenrollment.

BHP shall provide the enrollee or the parent, legal guardian or sponsor of an enrolled dependent with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105. Prior to the effective date specified, if the enrollee submits an appeal to BHP contesting the disenrollment decision, as provided in WAC 182-25-105, disenrollment shall not become effective until the date, if any, established as a result of BHP's appeal

procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be disenrolled by BHP and may be held financially responsible for any covered services fraudulently obtained through BHP.

#### NEW SECTION

**WAC 182-25-100 Appeals and mediation of grievances.** (1) HCA decisions regarding basic health plan eligibility, premium, enrollment, disenrollment or change of MHCS may be appealed pursuant to WAC 182-25-105.

(2) The HCA will not hear appeals of decisions regarding children covered under BHP plus. Those decisions must be appealed through the department of social and health services, according to the provisions of chapters 388-08 and 388-526 WAC, as amended.

(3) Decisions made by a MHCS, such as coverage disputes or benefits interpretation may be appealed pursuant to WAC 182-25-110.

#### NEW SECTION

**WAC 182-25-105 Appeals of HCA decisions regarding BHP.** (1) If a subscriber or applicant wishes to appeal a HCA decision regarding BHP eligibility, premium, enrollment, disenrollment or change of MHCS, he/she must send a letter of appeal, signed by the appealing party, to the HCA appeals committee no more than thirty days after the date the HCA's decision was sent to the subscriber or applicant. The letter should include the name, address and BHP account number of the enrollee and subscriber or the applicant and a statement of:

(a) The decision being appealed;

(b) Why the enrollee considers the decision to be incorrect; and

(c) The facts upon which the appeal is based, including any supporting documents.

(2) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to the subscriber or applicant within sixty days of receipt of the subscriber's or applicant's letter of appeal. The written initial decision will include reasons for the decision and information and instructions on further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer.

(3) If the HCA appeals committee decision results in disenrollment, the enrollee may request a review hearing by the office of administrative hearings, pursuant to chapter 34.12 RCW and RCW 34.05.488 through 34.05.494, as amended. An enrollee or applicant may request review of all other initial decisions of the HCA appeals committee by a HCA hearings officer, pursuant to RCW 34.05.488 through 34.05.494, as amended. A request for review of the initial decision must be made in writing within twenty-one days after service of the written statement as required by RCW 34.05.485(3), as amended. Otherwise, the HCA appeals committee decision will be the final agency decision.

(4) If the HCA receives a timely appeal of a disenrollment decision, disenrollment shall not become effective pending the resolution of the appeal, provided that:

(a) The enrollee otherwise remains eligible and continues to make all premium payments when due (if the premium amount is the subject of the dispute, the premium will be billed at the rate the subscriber was paying prior to the dispute);

(b) The enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of MHCS property, or the property of staff or providers, patients or visitors while on the property of the MHCS or one of its participating providers.

#### NEW SECTION

**WAC 182-25-110 Appeals of MHCS decisions.** (1) Disputes arising between enrollees and the managed health care system in which they are enrolled, such as coverage disputes or benefits interpretation, are considered to be contractual disputes between those parties. Every MHCS is required to maintain a grievance/appeals process for enrollees, providing for resolution by MHCS personnel with authority to require corrective action, including but not limited to review by appropriate medical personnel of complaints regarding quality of care or access to urgently needed services. The MHCS will make available information on its grievance/appeals process through its customer service department.

(2) The enrollee must exhaust the grievance/appeals process through the MHCS.

(a) If an issue is not resolved through that process within a reasonable time, or if the MHCS has not replied in writing to the enrollee within thirty days of receiving his/her written grievance/appeal, the enrollee may send a letter of appeal to the HCA appeals committee, requesting the HCA to inquire as to the status of the grievance/appeal. The HCA may initiate informal dispute resolution aimed at achieving a resolution satisfactory to the MHCS and the enrollee. In the event informal dispute resolution is unable to resolve the issue, the grievance/appeal will be reviewed by the HCA appeals committee.

(b) If the MHCS decision is not satisfactory to the enrollee, and the enrollee has not previously requested HCA assistance with the issue, the enrollee may send a letter of appeal to the HCA appeals committee. The letter of appeal must be received by the HCA no more than thirty days after the MHCS written notice of the decision is sent.

(3) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to both parties in the appeal, including the reasons for the decision, within sixty days of scheduling the appeal and, if the decision supports the MHCS position, will advise the enrollee of further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer. A HCA appeals committee decision which differs from the MHCS decision shall prevail and the MHCS shall perform in accordance to the HCA appeals committee decision.

(4)(a) If the HCA appeals committee agrees with the MHCS decision, the enrollee may request review of the HCA appeals committee decision by the HCA hearings officer. This request for review of the decision must be received no more than twenty-one days after the date of the HCA appeals committee decision.

(b) If the decision of the HCA appeals committee disagrees with the MHCS decision, the MHCS may request a dispute hearing with the HCA administrator, according to the terms of the contract between the MHCS and the HCA.

**WSR 96-15-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed July 10, 1996, 1:38 p.m., effective July 10, 1996]

Date of Adoption: July 10, 1996.

Purpose: Implement federal poverty level increases.

Citation of Existing Rules Affected by this Order:

Amending WAC 388-508-0805, 388-509-0920, 388-509-0960, 388-517-1720, 388-517-1740, and 388-517-1760.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-12-009 on May 24, 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 6, 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 6, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules implement federal poverty level increases effective April 1, 1996, and replace emergency rules, WSR 96-08-021, filed on March 26, 1996.

Effective Date of Rule: July 10, 1996.

July 10, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3848, filed 5/10/95, effective 6/10/95)

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

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

Family Size	Monthly Income
(a) One	<del>(\$1,152)</del> <u>\$1,194</u>
(b) Two	<del>(\$1,547)</del> <u>\$1,598</u>
(c) Three	<del>(\$1,941)</del> <u>\$2,002</u>
(d) Four	<del>(\$2,336)</del> <u>\$2,405</u>
(e) Five	<del>(\$2,731)</del> <u>\$2,809</u>
(f) Six	<del>(\$3,125)</del> <u>\$3,213</u>
(g) Seven	<del>(\$3,520)</del> <u>\$3,617</u>
(h) Eight	<del>(\$3,915)</del> <u>\$4,021</u>
(i) Nine	<u>\$4,425</u>
(j) Ten	<u>\$4,829</u>

~~((+))~~ (k) For family units with ~~(nine members or)~~ more than ten members, add ~~(\$395)~~ \$404 to the monthly income for each additional member.

**AMENDATORY SECTION** (Amending Order 3848A, filed 5/11/95, effective 6/11/95)

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

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

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

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

(a) Following AFDC methodology; and

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

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

(a) Citizenship;

(b) Social Security number; or

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(c) Resources limits.

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

Family Size	Monthly Income
(a) One	\$((623)) <u>645</u>
(b) Two	\$((836)) <u>864</u>
(c) Three	\$((1,050)) <u>1,082</u>
(d) Four	\$((1,263)) <u>1,300</u>
(e) Five	\$((1,476)) <u>1,519</u>
(f) Six	\$((1,690)) <u>1,737</u>
(g) Seven	\$((1,903)) <u>1,955</u>
(h) Eight	\$((2,116)) <u>2,174</u>
<u>(i) Nine</u>	<u>\$2,392</u>
<u>(j) Ten</u>	<u>\$2,610</u>

((i)) (k) For family units with more than ((eight)) ten members, add ((214)) \$219 to the monthly income for each additional member.

(5) For a child determined eligible under this section, the department shall not consider a change in family income during the certification period.

AMENDATORY SECTION (Amending Order 3848A, filed 5/11/95, effective 6/11/95)

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

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

Family Size	Monthly Income
(a) One	\$((1,245)) <u>1,290</u>
(b) Two	\$((1,672)) <u>1,727</u>
(c) Three	\$((2,099)) <u>2,164</u>
(d) Four	\$((2,525)) <u>2,600</u>
(e) Five	\$((2,952)) <u>3,037</u>
(f) Six	\$((3,379)) <u>3,474</u>
(g) Seven	\$((3,805)) <u>3,910</u>
(h) Eight	\$((4,232)) <u>4,347</u>
<u>(i) Nine</u>	<u>\$4,784</u>
<u>(j) Ten</u>	<u>\$5,220</u>

((i)) (k) For family units with more than ((eight)) ten members, add ((427)) \$437 to the monthly income for each additional member.

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

AMENDATORY SECTION (Amending Order 3848A, filed 5/11/95, effective 6/11/95)

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

(a) A total countable income, as determined under chapter 388-511 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent of the

current federal poverty level (FPL). One hundred percent of the current FPL is:

Family Size	Monthly
(i) One	\$((623)) <u>645</u>
(ii) Two	\$((836)) <u>864</u>

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

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

AMENDATORY SECTION (Amending Order 3917, filed 11/8/95, effective 12/9/95)

**WAC 388-517-1740 Special low-income Medicare beneficiaries (SLMB)—Income and resources.** (1) The department shall provide Medicare cost sharing for a SLMB client having:

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

Family Size	Monthly
(i) One	\$ ((747)) <u>774</u>
(ii) Two	\$((1,003)) <u>1,036</u>

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

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

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

AMENDATORY SECTION (Amending Order 3848A, filed 5/11/95, effective 6/11/95)

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

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

Family Size	Monthly
(a) One	\$((1,245)) <u>1,290</u>
(b) Two	\$((1,672)) <u>1,727</u>

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

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**WSR 96-15-034  
PERMANENT RULES  
FOREST PRACTICES  
APPEALS BOARD**

[Filed July 11, 1996, 8:25 a.m.]

Date of Adoption: July 9, 1996.

Purpose: Updates, clarifies and reorganizes rules governing practice and procedure for hearings conducted by the Forest Practices Appeals Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 223-08-150 and 223-08-155; and amending WAC 223-08-080.

Statutory Authority for Adoption: RCW 76.09.230(4).

Adopted under notice filed as WSR 96-09-057 on April 12, 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 1, repealed 2.

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 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
July 9, 1996

Hon. William A. Harrison  
Administrative Appeals Judge

**AMENDATORY SECTION** (Amending WSR 90-23-093, filed 11/21/90, effective 12/22/90)

**WAC 223-08-080 Commencing an appeal—Forms.** The following forms shall be used in proceedings before the appeals board. The forms, instructions thereon, and descriptive captions are each components of this rule of procedure.

Where any written communication directed to the appeals board is found not to be in conformity with this or another rule of procedure or the requirements of any statute, the appeals board may require the party directing such communication to correct, clarify or amend the same so as to conform. The appeals board may refuse to schedule any conference or hearing hereon until compliance with such requirements, or may issue an order providing for the dismissal of any proceeding upon failure to comply within a specified time.

**INDEX TO FORMS**

- Form 1 - PETITION FOR CHAIRMAN'S ORDER
- Form 2 - COUNTY APPEAL OF DEPARTMENT APPROVAL
- Form 3 - APPEAL OF STOP-WORK ORDER
- Form 4 - APPEAL OF NOTICE TO COMPLY
- Form 5 - APPEAL OF PENALTY

- Form 6 - DEPARTMENT APPEAL OF COUNTY OBJECTIONS
- Form 7 - APPEAL OF DEPARTMENT APPROVAL OR DISAPPROVAL
- Form 8 - PETITION FOR A DECLARATORY RULING
- Form 9 - PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULE
- Form 10 - APPEAL OF HAZARD REDUCTION PLAN
- Form 11 - APPEAL OF NOTICE OF INTENT TO DISAPPROVE

The above forms are neither printed nor furnished by the appeals board but are set out here for copying by those wishing to commence a proceeding. Underlined portions of these forms are instructional, and the matter called for must be supplied by the party commencing the proceeding or his representative.

FORM 1 - For commencing the proceeding described in WAC 223-08-085(1):

**NOTICE**

**COMMENCING A PROCEEDING  
Before the  
FOREST PRACTICES APPEALS BOARD  
State of Washington**

Date

Department of Ecology

PETITION FOR  
CHAIRMAN'S  
ORDER

Represented by:

Name of Representative(s)

Mailing Address

Telephone Number

1. This proceeding is authorized by RCW 76.09.100.

2. A short and plain statement identifying the forest practice regulations violated, the violator, and how and when such violations occurred.

3. The Department of Natural Resources has not issued a stop work order or notice to comply in the matter of this violation. The Department of Ecology has therefore notified the Department of Natural Resources of such violation. The Department of Natural Resources has failed to take authorized enforcement action, within twenty-four hours of such notice, under RCW 76.09.080, 76.09.090, 76.09.120 or 76.09.130.

4. The chairman is respectfully requested to order the relief to which the Department of Ecology deems itself entitled.

A copy of this  
Notice was served  
upon the Department  
of Natural Resources  
on (date)

I/We have read the  
above and believe the  
contents to  
be true.

Signed,  
Representative(s)

Signed,  
Representative(s)

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FORM 2 - For commencing the proceeding described in WAC 223-08-085(2):

FORM 3 - For commencing the proceeding described in WAC 223-08-085(3):

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Date

Name of County

Represented by:

COUNTY APPEAL
OF DEPARTMENT
APPROVAL

Name of Representative

Mailing Address

Telephone Number

Name of Appellant

Mailing Address

Residence or principal
place of business if
different from mailing
address

APPEAL OF
STOP-WORK
ORDER

Represented by:

Name of Representative

Mailing Address

Telephone Number

- 1. This proceeding is authorized by RCW 76.09.050(8).
2. ((Name County hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3-)) The attached forest practices application was approved by the Department of Natural Resources, and notice of such approval showing the (date) thereof is attached.

((4-)) 3. Lands within the jurisdiction of name County are affected by the said approval.

((5-)) (4). A short and plain statement of the grounds upon which the county believes the said approval is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

((6-)) 5. A demand for the relief to which the county deems itself entitled.

- 1. This proceeding is authorized by RCW 76.09.080 (2)(d).

2. ((The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3-)) A short and plain statement of the grounds upon which the appellant believes the stop-work order is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

((4-)) 3. The relief which the appellant believes is warranted.

Copies of this
Notice were filed with
(1) and (2) and served
upon (3):

I/We have read the
contents to be true.

(1) Department of
Natural Resources
(date)

(2) Attorney General
(date)

(3) Applicant date
(See WAC 223-08-075)

Signed, County
Representative(s)

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

(1) Department of
Natural Resources
(date)

(2) Others (dates)
(See WAC 223-08-075)

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. Where the appealed stop-work order or this Notice cites a forest practices application, the same shall be attached to this Notice.

2. Requests for discontinuance of the stop-work order appealed, pending the outcome of the proceeding, shall be made separately by motion or affidavit. (See WAC 223-08-085(3))

3. Appellant shall sign where indicated except where unavailable to do so, and in any event petitioner's representative shall sign.

PERMANENT

Signed, County Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

1. The application involved as well as the department's Notice of Approval shall be attached to this Notice.

2. Where only portions of an application are appealed, the county shall specify precisely the portions appealed.

3. Requests for the suspension of department approval pending an appeal shall be made separately by motion or affidavit. (See WAC 223-08-085(2))

FORM 4 - For commencing the proceeding described in WAC 223-08-085(4):

FORM 5 - For commencing the proceeding described in WAC 223-08-085(5):

NOTICE

NOTICE

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Date

Name of Appellant

Name of Appellant

Mailing Address:

Mailing Address

Residence or Principal
Place of Business if
Different from Mailing
Address

Residence or Principal
Place of Business
if Different from
Mailing Address

APPEAL OF
NOTICE
TO COMPLY

APPEAL OF
PENALTY

Represented by:

Represented by:

Name of Representative

Name of Representative

Mailing Address

Mailing Address

Telephone Number

Telephone Number

1. This proceeding is authorized by RCW 76.09.090.

1. This proceeding is authorized by RCW 76.09.170.

2. The appellant has had a hearing before the Department of Natural Resources on date and a copy of the final decision issued after such hearing is attached.

2. ((The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3. A short and plain statement of the grounds upon which the appellant believes the Notice to Comply is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

3-)) The appellant has/has not applied in writing to the Department of Natural Resources.

4. The relief which the appellant believes is warranted.

((4-)) 3. A short and plain statement of the grounds upon which the appellant believes the penalty imposed is unlawful or excessive. Statutes, regulations or applications referred to shall be precisely cited.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

(1) Department of
Natural Resources
(date)

Signed,
Appellant and/or

(2) Others (dates)
(See WAC 223-08-075)

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. A copy of the final decision of the department issued after a hearing before the department shall be attached to this Notice.

2. Where the appealed Notice to Comply, the department's final decision, or this Notice cites a forest practices application, the same shall be attached to this Notice.

3. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

(1) Department of
Natural Resources
(Date)

Signed,
Appellant and/or

(2) Others (Dates)
(See WAC 223-08-075)

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. A copy of the department's notice imposing the penalty appealed shall be attached to this Notice.

2. Where the appellant has applied to the department for remission or mitigation of the penalty appealed, copies of the appellant's application and the department's disposition shall be attached to this Notice.

3. Where the Notice or any document required to be attached cites a forest practices application, the same shall be attached to this Notice.

4. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 6 - For commencing the proceeding described in WAC 223-08-085(6):

FORM 7 - For commencing the proceeding described in WAC 223-08-085(7):

NOTICE

NOTICE

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Date

Department of Natural Resources
Public Lands Building
Olympia, Washington 98504

Name of Appellant
Mailing Address

Represented by:

DEPARTMENT
APPEAL OF
COUNTY
OBJECTIONS

Residence or principal
place of business if
different from mailing
address

APPEAL OF
DEPARTMENT
APPROVAL OR
DISAPPROVAL

Name of Representative
Mailing Address
Telephone Number

Represented by:

Name of Representative
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.050(7).
2. ((The department hereby elects a formal/an informal
hearing. (See WAC 223-08-155)

1. This proceeding is authorized by RCW 76.09.220(8).
2. ((The appellant hereby elects a formal/an informal
hearing. (See WAC 223-08-155)

3-)) The attached objections, concerning the attached
forest practices application, were received by the department
from name County on date.

3-)) The attached forest practices application was
approved/disapproved by the Department of Natural Re-
sources on date.

((4-)) 3. A short and plain statement of the grounds
upon which the department believes that the county objec-
tions are unfounded. Authority shall be precisely cited.

((4-)) 3. A short and plain statement of the grounds
upon which the appellant believes the approval or disapprov-
al is improper. Authority shall be precisely cited.

((5-)) 4. The relief which the appellant believes is
warranted.

((5-)) 4. The relief which the appellant believes is
warranted.

Copies of this
Notice were filed with
(1) and (2) and served
upon (3):

I/We have read the
above and believe the
contents to be true.

- (1) Name of County
(date)
(2) Attorney
General (date)
(3) Applicant (date)
(See WAC 223-08-075)

Copies of this
Notice were filed with
(1) and (2) and served
upon (3):

I/We have read the
above and believe the
contents to be true.

- (1) Department of
Natural Resources
(date)
(2) Attorney
General (date)
(3) Applicant
(dates)
(See WAC 223-08-075)

Signed,
Appellant and/or
Signed,
Representative

Signed, Representative(s)

Signed, Appellant and/or
Signed, Representative

ATTENTION: (Name of Applicant)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this
proceeding before the Forest Practices Appeals Board.

Upon receipt of this Notice you are a PARTY to this
proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing
and you may argue in favor of your application under the
Rules of Procedure found in chapter 223-08 WAC.

You will be notified of the time and place of hearing
and you may argue in favor of your application under the
Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may
deprive you of a hearing altogether as the Forest Practices
Appeals Board will not permit additional proceedings among
the same parties concerning the same forest practices.

Your failure to participate in this proceeding may
deprive you of a hearing altogether as the Forest Practices
Appeals Board will not permit additional proceedings among
the same parties concerning the same forest practices.

INSTRUCTIONS:

1. Copies of the appealed county objections and the
forest practices application to which they pertain shall be
attached to this Notice.

2. A copy of the appealed county objections shall
accompany the copy of this Notice served upon the applicant
pursuant to WAC 223-08-075.

PERMANENT



INSTRUCTIONS:

- 1. A copy of the forest practices application involved shall be attached to this Notice.
- 2. The appellant shall sign where indicated except where unavailable to do so, and in any event the appellant's representative shall sign.

FORM 8 - For commencing the proceeding described in WAC 223-08-085(8).

NOTICE

COMMENCING A PROCEEDING  
 Before the  
 FOREST PRACTICES APPEALS BOARD  
 State of Washington

Date

Name of Petitioner

Mailing Address

Residence or principal  
 place of business  
 within the state if  
 different from mailing  
 address

PETITION  
 FOR A  
 DECLARATORY  
 RULING

Represented by:

Name of Representative

Mailing Address

Telephone Number

1. This proceeding is authorized by RCW 34.05.240. The petition shall comply with the requirements set forth in RCW 34.05.240(1).

2. State all rules or statutes brought into issue by this Notice.

3. State the facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of the state.

4. State the relief demanded.

Copies of this Notice were served upon:

(1) Department of Natural Resources  
(date)

(2) Others Verification  
(dates)  
(See WAC 223-08-075)

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
- 2. This Notice shall be verified in the manner prescribed for certification of complaints in the Superior Courts of this state.

3. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

FORM 9 - For commencing the proceeding described in WAC 223-08-085(9).

NOTICE

COMMENCING A PROCEEDING  
 Before the  
 FOREST PRACTICES APPEALS BOARD  
 State of Washington

Date

Name of Petitioner

Mailing Address

Residence or principal  
 place of business within  
 the state if different  
 from mailing address

PETITION FOR  
ADOPTION  
AMENDMENT  
REPEAL  
 OF RULE

Represented by

Name of Representative

Mailing Address

Telephone Number

1. This proceeding is authorized by RCW 34.05.330.

2. State whether petition is for rule adoption, amendment or repeal.

3. If adoption or amendment is sought, state the desired new rule in its entirety. Where amendment is sought, new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. If repeal is sought, the rule proposed to be repealed shall be set forth in its entirety or referred to by rule number.

4. State concisely the reasons for the action sought.

5. State the interest of the petitioner in the subject matter of the rule.

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
- 2. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

FORM 10 - For commencing the proceeding described in WAC 223-08-085(10).

NOTICE

COMMENCING A PROCEEDING  
 Before the  
 FOREST PRACTICES APPEALS BOARD  
 State of Washington

Date

PERMANENT

Name of Party  
Mailing Address

Residence or principal  
place of business within  
the state if different  
from mailing address

APPEAL OF  
FINAL HAZARD  
REDUCTION PLAN

Represented by

Name of Representative  
Mailing Address  
Telephone Number

1. This proceeding is authorized by RCW 76.09.310(6).
2. The relief which the appellant believes is warranted.

This Notice was  
transmitted to  
Department of Natural Resources  
on date.

I/We have read the above and believe the contents to be true.

Signed  
Appellant and/or  
Representative

INSTRUCTIONS:

1. ATTACH THE FINAL HAZARD REDUCTION PLAN TO THE NOTICE OF APPEAL IF THE PLAN IS AVAILABLE.
2. APPELLANT SHALL SIGN WHERE INDICATED EXCEPT WHERE UNAVAILABLE TO DO SO, AND IN ANY EVENT APPELLANT'S REPRESENTATIVE SHALL SIGN.

FORM 11 - For commencing the proceeding described in WAC 223-08-085(11).

NOTICE

COMMENCING A PROCEEDING  
Before the  
FOREST PRACTICES APPEALS BOARD  
State of Washington

Date

Name of Party  
Mailing Address

Residence or principal  
place of business within  
the state if different  
from mailing address

Represented by

Name of Representative  
Mailing Address  
Telephone Number

1. This proceeding is authorized by RCW 76.09.140(1).
2. The relief which the appellant believes is warranted.

This Notice was  
transmitted to  
Department of Natural Resources  
on date.

I/We have read the above and believe the contents to be true.

Signed  
Appellant and/or  
Representative

AMENDATORY SECTION (Amending WSR 90-23-093,  
filed 11/21/90, effective 12/22/90)

**WAC 223-08-257 Appeals to the courts—Certification of record.** Upon receipt of a copy of the notice of appeal to the superior court, or notice of acceptance of the certificate of appealability by the court of appeals, the appeals board will certify the record. This will not include a transcript until the appealing party arranges printing of the transcript and assumes its cost.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |                            |
|----------------|----------------------------|
| WAC 223-08-150 | Hearing—Types of hearings. |
| WAC 223-08-155 | Hearing—Election of type.  |

**WSR 96-15-039**  
**PERMANENT RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed July 11, 1996, 2:15 p.m.]

Date of Adoption: July 9, 1996.  
Purpose: Establish state paydates for 1997.  
Citation of Existing Rules Affected by this Order:  
Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 96-12-037 on May 31, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
July 11, 1996

G. Dewey Harris, III  
Assistant Director

AMENDATORY SECTION (Amending WSR 95-15-031,  
filed 7/11/95, effective 8/11/95)

**WAC 82-50-021 Official lagged, semimonthly pay dates established.** Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged,

PERMANENT

semimonthly pay dates for calendar years ((1995 and 1996))  
1996 and 1997:

<del>CALENDAR YEAR 1995</del>	<del>CALENDAR YEAR 1996</del>
<del>Tuesday, January 10, 1995</del>	<del>Wednesday, January 10, 1996</del>
<del>Wednesday, January 25, 1995</del>	<del>Thursday, January 25, 1996</del>
<del>Friday, February 10, 1995</del>	<del>Friday, February 9, 1996</del>
<del>Friday, February 24, 1995</del>	<del>Monday, February 26, 1996</del>
<del>Friday, March 10, 1995</del>	<del>Monday, March 11, 1996</del>
<del>Friday, March 24, 1995</del>	<del>Monday, March 25, 1996</del>
<del>Monday, April 10, 1995</del>	<del>Wednesday, April 10, 1996</del>
<del>Tuesday, April 25, 1995</del>	<del>Thursday, April 25, 1996</del>
<del>Wednesday, May 10, 1995</del>	<del>Friday, May 10, 1996</del>
<del>Thursday, May 25, 1995</del>	<del>Friday, May 24, 1996</del>
<del>Friday, June 9, 1995</del>	<del>Monday, June 10, 1996</del>
<del>Monday, June 26, 1995</del>	<del>Tuesday, June 25, 1996</del>
<del>Monday, July 10, 1995</del>	<del>Wednesday, July 10, 1996</del>
<del>Tuesday, July 25, 1995</del>	<del>Thursday, July 25, 1996</del>
<del>Thursday, August 10, 1995</del>	<del>Friday, August 9, 1996</del>
<del>Friday, August 25, 1995</del>	<del>Monday, August 26, 1996</del>
<del>Monday, September 11, 1995</del>	<del>Tuesday, September 10, 1996</del>
<del>Monday, September 25, 1995</del>	<del>Wednesday, September 25, 1996</del>
<del>Tuesday, October 10, 1995</del>	<del>Thursday, October 10, 1996</del>
<del>Wednesday, October 25, 1995</del>	<del>Friday, October 25, 1996</del>
<del>Thursday, November 9, 1995</del>	<del>Friday, November 8, 1996</del>
<del>Wednesday, November 22, 1995</del>	<del>Monday, November 25, 1996</del>
<del>Monday, December 11, 1995</del>	<del>Tuesday, December 10, 1996</del>
<del>Friday, December 22, 1995</del>	<del>Tuesday, December 24, 1996</del>

CALENDAR YEAR 1996  
Wednesday, January 10, 1996  
Thursday, January 25, 1996  
Friday, February 9, 1996  
Monday, February 26, 1996  
Monday, March 11, 1996  
Monday, March 25, 1996  
Wednesday, April 10, 1996  
Thursday, April 25, 1996  
Friday, May 10, 1996  
Friday, May 24, 1996  
Monday, June 10, 1996  
Tuesday, June 25, 1996  
Wednesday, July 10, 1996  
Thursday, July 25, 1996  
Friday, August 9, 1996  
Monday, August 26, 1996  
Tuesday, September 10, 1996  
Wednesday, September 25, 1996  
Thursday, October 10, 1996  
Friday, October 25, 1996  
Friday, November 8, 1996  
Monday, November 25, 1996  
Tuesday, December 10, 1996  
Tuesday, December 24, 1996

CALENDAR YEAR 1997  
Friday, January 10, 1997  
Friday, January 24, 1997  
Monday, February 10, 1997  
Tuesday, February 25, 1997  
Monday, March 10, 1997  
Tuesday, March 25, 1997  
Thursday, April 10, 1997  
Friday, April 25, 1997  
Friday, May 9, 1997  
Friday, May 23, 1997  
Tuesday, June 10, 1997  
Wednesday, June 25, 1997  
Thursday, July 10, 1997  
Friday, July 25, 1997  
Monday, August 11, 1997  
Monday, August 25, 1997  
Wednesday, September 10, 1997  
Thursday, September 25, 1997  
Friday, October 10, 1997  
Friday, October 24, 1997  
Monday, November 10, 1997  
Tuesday, November 25, 1997  
Wednesday, December 10, 1997  
Wednesday, December 24, 1997

**WSR 96-15-050**  
**PERMANENT RULES**

**WASHINGTON STATE UNIVERSITY**

[Filed July 15, 1996, 10:20 a.m.]

Date of Adoption: June 28, 1996.

Purpose: The rules establish parking arrangements, fines, and appeals procedures for Washington State University's Vancouver Salmon Creek campus. The rules enable Washington State University Vancouver public safety to effectively manage parking areas.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW.

Adopted under notice filed as WSR 96-11-115 on May 21, 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 35, 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.

July 8, 1996

Lou Ann Pasquan  
 Rules Coordinator

PERMANENT

**Chapter 504-19 WAC**  
**CAMPUS TRAFFIC AND PARKING REGULATIONS**  
**FOR WASHINGTON STATE UNIVERSITY**  
**VANCOUVER**

**PART I: INTRODUCTION**

NEW SECTION

**WAC 504-19-010 Authorization.** Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of Washington State University establishes the following regulations to govern parking and traffic at Washington State University Vancouver, hereinafter referred to as WSUV.

NEW SECTION

**WAC 504-19-020 Purposes of regulations.** The purposes of these regulations are to:

- (1) Expedite university business and provide maximum safety and convenience;
- (2) Regulate parking, with priority given to:
  - (a) Services of the university;
  - (b) Persons who need vehicles in connection with their work; and
  - (c) Staff and students who need private vehicles because of a disability or other approved reason; and
- (3) Provide and maintain suitable campus parking and traffic facilities.

NEW SECTION

**WAC 504-19-030 Knowledge of parking regulations.** It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations will not be accepted as grounds for dismissal of citations.

NEW SECTION

**WAC 504-19-040 Applicable parking and traffic laws and regulations.** The following regulations apply upon state lands owned and/or controlled by WSUV:

- (1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington);
- (2) The WSUV parking and traffic regulations.

NEW SECTION

**WAC 504-19-050 Emergencies.** The president delegates to the WSUV campus dean the authority to suspend, modify, or repeal any or all provisions in this chapter in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope to meeting the dangers of the contingency.

NEW SECTION

**WAC 504-19-080 Severability.** If any provision of this chapter, chapter 504-19 WAC, or its application to any person or circumstance is held invalid, the remainder of the chapter or its application to other persons or circumstances is unaffected.

NEW SECTION

**WAC 504-19-100 Definitions.** The definitions in this section are applicable within the context of these regulations.

(1) **Campus.** Describes all property owned, leased, and/or controlled by WSUV which is or may hereafter be dedicated mainly to the educational, research, recreational, parking, or other activities of WSUV.

(2) **Disability zone.** A parking zone identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit.

(3) **Holiday (WSUV holiday).** A day when all campus facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

(4) **Illegal use of permit.** A parking violation in which a citation is issued under the following circumstances:

- (a) Use of a permit/indicator on an unspecified vehicle.
- (b) Use of a counterfeit permit/indicator.
- (c) Use of a permit/indicator obtained under false pretenses.

(d) Use of a modified permit/indicator.

(e) Use and/or retention of a permit/indicator by person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

(5) **Indicator.** A vinyl, plastic, or paper instrument displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

(6) **Loading zone.** A loading dock or an area signed "loading zone" adjacent to a facility or in a parking area. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.

(7) **Moped.** Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

(8) **Motorcycle.** Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

(9) **Motor vehicle.** All motor-driven conveyances except wheelchairs.

(10) **No parking zone.** Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow or red.

(11) **Park/parking.** This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(12) **Parking permit.** A vinyl, plastic, or paper instrument sanctioned by WSUV that is displayed from a vehicle and authorizes parking in specified areas.

(13) **Service vehicle.** A vehicle used to provide a service for WSUV or a tenant or contractor of WSUV (e.g., a university-owned vehicle or a privately owned vehicle with a valid service permit displayed).

(14) **Service zone.** Parking spaces designated for the use of university vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a service indicator issued for an extended time. Service zones are restricted at all times.

(15) **Staff.** For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff." They are considered as students for the purpose of these rules.

(16) **Student.** Any person who has been admitted to the university, and who is either attending classes or actively pursuing a degree or certificate.

(17) **Summer session.** The summer session includes all summer school sessions beginning on the first day of the earliest session and ending on the last day of the latest session.

(18) **Vacation.** A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of WSUV typically are open during this time.

(19) **Vehicle.** See motor vehicle.

(20) **Visitors.** Persons who are not staff or students and who only visit the campus on an occasional basis.

(21) **Wheel lock.** A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

**PART II: ENFORCEMENT**NEW SECTION

**WAC 504-19-200 Enforcement authority.** WSUV public safety is charged with the impartial enforcement of these regulations. Enforcement personnel have authority to issue parking citations, to impound vehicles, and to control access to areas.

NEW SECTION

**WAC 504-19-210 Times of enforcement.** Parking regulations are subject to enforcement at all times.

(1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking zone either at the entrance to parking areas or along roadways where parking is marked. Restricted spaces are enforced at all times.

(2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):

- (a) Disability.
- (b) Load/unload.
- (c) Service.
- (d) Reserved.
- (e) Reserved (bagged) meters.
- (f) Specially signed areas.

(3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a thirty-minute meter will allow a maximum of thirty minutes to be purchased at one time).

NEW SECTION

**WAC 504-19-220 Signed and marked areas.** (1) Parking on campus is allowed only in the marked and/or signed spaces in areas and on streets. All other areas outside these designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of permit or permits required and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this rule.

(3) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(4) Permit areas and restricted spaces are not always signed individually.

NEW SECTION

**WAC 504-19-250 Motorcycles, mopeds, and bicycles.** (1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles, mopeds, and bicycles. Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. Owners of motorcycles and mopeds are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) Motorcycles and mopeds: Motorcycles and mopeds may park only in spaces which are marked by signs or the letter "M" painted on the parking surface. Motorcycles and mopeds must display a valid WSUV motorcycle permit during posted times. During all other times, these spaces are restricted to use by motorcycles and mopeds only.

NEW SECTION

**WAC 504-19-300 Responsibility for citations.** (1) Each permit registrant shall be responsible for parking citations on vehicles:

- (a) Registered with WSUV public safety; and/or
  - (b) Displaying the registrant's permit.
- (2) Owners of vehicles will be held primarily liable for citations.

NEW SECTION

**WAC 504-19-350 Use of areas for emergency, maintenance, or special needs.** WSUV reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, or to meet special needs. WSUV public safety will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

NEW SECTION

**WAC 504-19-360 Liability.** The university assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on university property.

**PART III: PARKING PERMITS**NEW SECTION

**WAC 504-19-410 Issuance and use of permits.** Parking permits are available at various locations upon application and payment of the appropriate fees. A parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked will be issued.

NEW SECTION

**WAC 504-19-420 Consent to withholding of fines.** All permit applications shall provide that the university may withhold unpaid fines from any sums owed the permit holder and to treat the same as a debt.

NEW SECTION

**WAC 504-19-430 Change in residence or license plates.** Permit holders changing residence or license plates after initial application must contact WSUV public safety and complete the necessary forms. Failure to do so may result in continued responsibility for citations issued to the old license plate and a loss of parking privileges.

NEW SECTION

**WAC 504-19-440 Term of permit—Transfer of permit.** Permits are valid up to and including the expiration date on the permit.

The ownership of permits is generally not transferable, but exceptions can be made by WSUV public safety provided that the:

(1) Person relinquishing ownership and the eligible purchaser appear in person at WSUV public safety when requesting such a transfer;

(2) Former owner relinquishes all ownership or claim to the permit and pays all outstanding fines; and

(3) New owner completes a new application form for the permit.

If a replacement permit is requested, the old permit must be removed and presented to WSUV public safety to be eligible for a replacement or a refund.

#### NEW SECTION

**WAC 504-19-450 Replacement permits and indicators.** (1) Sold or traded vehicles. Failure to advise WSUV public safety of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to WSUV public safety to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to WSUV public safety immediately upon discovery. A stolen permit will be replaced once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by WSUV public safety. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit. Lost or stolen permits must be returned to the WSUV public safety office immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.

#### NEW SECTION

**WAC 504-19-460 False information.** No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the mere use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit and will be subject to citation and fine.

#### NEW SECTION

**WAC 504-19-470 Recall of permits.** Parking permits are the property of WSUV and may be recalled by WSUV public safety when:

(1) The purpose for which the permit was issued changes or no longer exists;

(2) A permit is used on an unauthorized vehicle or by an unauthorized person;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, or lost/stolen permit is used; or

(5) The parking fee is unpaid.

#### NEW SECTION

**WAC 504-19-510 Permits—General.** WSUV public safety will issue permits for designated areas of the campus. Any vehicle parked on WSUV property, other than a pay area or metered space, must clearly display a valid permit for a given area during the posted hours when permits are required.

#### NEW SECTION

**WAC 504-19-520 Permits—Form and display.** All permits must be displayed in the approved position on the vehicle with permit numbers visible. Permits not displayed in accordance with the provisions of this section are not valid, and vehicles displaying them improperly are subject to citation.

(1) Autos and trucks:

(a) Hanging permits, both annual and temporary, must be displayed hanging from the rear-view mirror post.

(b) Transferable cards and affixed decals must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

#### NEW SECTION

**WAC 504-19-540 Zone permits—Availability and use.** Staff and students are generally assigned to specific parking areas called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking area assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as signed.

#### NEW SECTION

**WAC 504-19-560 Other permits—Availability and use.** (1) Visitor permits: Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces signed for visitors only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits: Golden cougar permits are special visitor permits that are issued to retired faculty and staff free of charge. They are issued on an annual basis and are valid in any zone. Faculty and staff who remain regularly employed by the university after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid permit.

(3) **President's associates decals:** President's associates decals are issued to eligible members of the WSU foundation. They are valid in any zone. However, WSU faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) **Conference permits:** Conference permits are available to visitors who participate in conferences held on the WSUV campus. They are available on a daily basis only. Conference permits are valid in any assigned zone.

(5) **Motorcycle permits:** Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits.

(6) **Construction permits:** A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are assigned to a specific parking area.

(7) **Carpool:** Upon completion of application, bona fide carpools with three or more participants will be given preference in the assignment of parking zones, and will be issued a permit instrument that will facilitate the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

**NEW SECTION**

**WAC 504-19-580 Special indicator decals/hangers.** Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) **Service indicator decals/hangers** which are valid for a maximum of fifteen minutes in a marked service zone. A separate mall service indicator allows a maximum of fifteen-minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business.

(2) **Reserved parking indicator decals/hangers** which are valid in parking spaces that are signed for the corresponding permit and indicator.

**NEW SECTION**

**WAC 504-19-600 Disability permits.** WSUV strives to comply with the Americans with Disabilities Act (ADA) parking standards.

There are two types of disability permits:

(1) **Permanent physical disability.** Disability permits are available to permanently disabled WSUV staff and students at the established fee. Disability permit holders may park in any zone and meter spaces if disability parking spaces are not available. They may not park in service zones or reserved spaces if disability parking spaces are not available.

(2) **Temporary physical disability.** Disability permits are available to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed.

Staff and students must obtain a temporary disability form from WSUV public safety. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets criteria established by the ADA. The form must be completed by a health care provider. WSUV public safety will not accept substitute forms or letters.

**NEW SECTION**

**WAC 504-19-650 Permit fees.** Schedules for parking fees, parking administrative fees, meter rates, prorated and refund schedules, and the effective date thereof will be posted in the public area of WSUV public safety and filed with the university rules coordinator.

**PART IV: FINES, SANCTIONS, AND APPEALS**

**NEW SECTION**

**WAC 504-19-810 Violations, fines, and sanctions.**

(1) **Violations and fines:** Parking violations will be processed by the university. Fines must be paid at authorized locations, at the following rates:

(a) Overtime/nonpayment at meter	\$ 10.00
(b) Overtime in time zone	\$ 10.00
(c) No parking permit	\$ 25.00
(d) No parking permit for this area	\$ 20.00
(e) No parking zone	\$ 20.00
(f) Improper display of permit/indicator	\$ 5.00
(g) Blocking traffic	\$ 25.00
(h) Unauthorized parking in a disability space	\$ 50.00
(i) Parking in a fire zone	\$ 50.00
(j) Unauthorized parking in reserved area	\$ 40.00
(k) Illegal use of permit	\$ 65.00
(l) Display of lost or stolen permit	\$200.00
(m) Wheel lock fee	\$ 50.00
(n) Unauthorized/overtime parking in service space	\$ 25.00
(o) Unauthorized/overtime parking on the pedestrian mall	\$ 50.00
(p) All other parking violations	\$ 20.00

(2) **Reduction of fines:** Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four-hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, (subsection (1)(c) of this section), that fine will be reduced to five dollars when possession of a valid parking permit for the location is verified by WSUV public safety within twenty-four hours.

(3) **Visitors:** The first violation of the notices listed in subsection (1)(c) of this section, no parking permit, and subsection (1)(d) of this section, no parking permit for this area, issued to visitors are considered warning notices upon presentation to WSUV public safety.

(4) **Inoperable vehicles:** It is the owner's responsibility to immediately contact WSUV public safety in the event that their vehicle becomes inoperable.

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NEW SECTION**WAC 504-19-830 Other violations and sanctions.**

(1) Late payment of fines: Forty-five days after issuance of a notice of violation a ten-dollar charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. The procedures discussed above are not a precondition to towing or use of the wheel lock.

(2) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A fifty-dollar fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device; or

(v) Is illegally parked in a disability space.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours will be assessed a storage fee of ten dollars for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A fifty-dollar wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations.

However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

(3) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations after exhausting or failing to exercise appeals provided for in these regulations constitutes a violation of RCW 28B.10.560. A citation or complaint for such violations may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

NEW SECTION

**WAC 504-19-860 Appeals procedure.** (1) Purpose: The parking appeals committee serves two primary functions:

(a) To assure an impartial evaluation of the circumstances relating to a particular parking violation; and

(b) To aid in the appraisal of parking and traffic problems.

(2) Procedure: Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from WSUV public safety. The appeal must be in writing and received at WSUV public safety within ten calendar days after receipt of notice of the violation. Forms for this purpose are available from WSUV public safety. The parking appeals committee will make an initial decision on the appeal within twenty calendar days during the academic year and forty-five calendar days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.

(3) Review of initial decision: If the appellant is dissatisfied with the initial decision, he/she may request a hearing before a hearing officer or appeals committee. Such request must be made within ten calendar days of service of the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of WSUV public safety may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and serve appellant with the decision within five calendar days after the review hearing.

(4) Appeal to district court: RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the WSUV public safety office within ten calendar days after service of written notice of the final decision. WSUV public safety will forward the documents relating to the appeal to the district court.



**PART V: TRAFFIC RULES**

**NEW SECTION**

**WAC 504-19-900 Speed limits.** Driving on campus roads and streets is permitted at any time, unless otherwise posted or restricted by signs and/or by these regulations. The maximum speed limit unless otherwise posted is twenty-five miles per hour.

**NEW SECTION**

**WAC 504-19-920 Closed and restricted areas.** In certain designated areas on campus, such as the mall in the campus core, driving is restricted to mall service vehicles.

**NEW SECTION**

**WAC 504-19-930 Bicycles, skateboards, and roller blades.** (1) The riding and use of bicycles, skateboards, and roller blades is prohibited from all building plazas, and interior building spaces.

(2) Bicycles, skateboards, and roller blades may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and roller blades may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

**NEW SECTION**

**WAC 504-19-940 Pedestrians.** (1) When traffic control signals are in place at intersections, pedestrians shall be subject to them.

(2) When traffic control signals are not in place or not in operation at pedestrian crossings, a vehicle must yield the right of way, by slowing down or stopping, when the pedestrian in the crossing is upon the same half of the roadway as the vehicle, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(4) Pedestrians who are between adjacent intersections at which traffic control signals are in operation must not cross at any place except in a marked crosswalk.

**WSR 96-15-054**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
 [Filed July 15, 1996, 1:06 p.m.]

Date of Adoption: July 12, 1996.

Purpose: To amend chapter 315-34 WAC to enact a "Double Lotto" enhancement to the existing Lotto game (amends WAC 315-34-010, 315-34-020 and 315-34-040, and

adds new sections WAC 315-34-070, 315-34-080, 315-34-090, and 315-34-100.

Citation of Existing Rules Affected by this Order: Amending WAC 315-34-010, 315-34-020, and 315-34-040.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 96-12-096 on June 5, 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 4, amended 3, 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.

July 15, 1996

Evelyn P. Yenson  
 Director

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**AMENDATORY SECTION** (Amending WSR 92-11-033, filed 5/15/92, effective 6/15/92)

**WAC 315-34-010 Definitions for Lotto.** (1) Number: Any play integer from 1 through 49 inclusive.

(2) Game grids: A field of the 49 numbers found on the play slip.

(3) Play: One selection of six numbers.

(4) Pair: Two plays.

(5) Play slip: A mark-sense game card used by players of Lotto to select plays. (~~There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I, and J.~~)

(6) Lotto ticket: A computer-generated receipt evidencing payment for two or more plays in the Lotto game. Tickets shall be issued by an on-line terminal and shall list the six-number plays that belong to the ticket holder.

**AMENDATORY SECTION** (Amending WSR 92-11-033, filed 5/15/92, effective 6/15/92)

**WAC 315-34-020 Price of Lotto play.** The price of each Lotto play shall be \$.50 and shall be sold only in pairs for \$1.00. (~~One ticket shall contain at least two but not more than ten plays. A player may use a play slip to purchase up to ten plays per ticket as follows:~~

- ~~1 pair: \$1 game grids A and B.~~
- ~~2 pairs: \$2 game grids A, B, C, and D.~~
- ~~3 pairs: \$3 game grids A, B, C, D, E, and F.~~
- ~~4 pairs: \$4 game grids A, B, C, D, E, F, G, and H.~~
- ~~5 pairs: \$5 game grids A, B, C, D, E, F, G, H, I, and J.~~)

**AMENDATORY SECTION** (Amending WSR 94-07-029, filed 3/8/94, effective 4/8/94)

**WAC 315-34-040 Prizes for Lotto.** (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third (~~and fourth~~) prize categories vary due to parimutuel calculation of prizes.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize (Jackpot)	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	1:54,201
Any four but not five or six winning numbers in one play	Third Prize	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	1:57

- (2) Reserved.
- (3) Prize amounts.

(a) First prize (jackpot). The first prize will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

(b) Second prize. 2.3 percent of the Lotto sales for the drawing shall be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. 4.6 percent of the Lotto sales for the drawing shall be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) Reserved.

(f) Second and third prizes will be rounded down to the nearest dollar.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing.

~~((d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing.))~~

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value of more than \$250,000 but less than \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.

(c) Each prize that has a cash value of \$250,000 or less shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

**NEW SECTION**

**WAC 315-34-070 Double Lotto.** The director shall have the authority, commensurate with the rules of this chapter, to offer Lotto players, on a per drawing basis, the opportunity to play Double Lotto by doubling the wager placed on any Lotto play.

**NEW SECTION**

**WAC 315-34-080 Price of Double Lotto play.** The price of each Double Lotto play shall be \$1.00 and shall be sold only in pairs for \$2.00. Fifty percent of the revenue and prize expense of each Double Lotto sale shall be included in "Lotto sales" for the purposes of prize calculation under WAC 315-34-040.

**NEW SECTION**

**WAC 315-34-090 Prizes for Double Lotto.** (1) The holder of a Double Lotto ticket shall be entitled to a prize if, and only if, said holder would have been entitled to a prize for said ticket if it had been a Lotto ticket, as that term is defined in WAC 315-34-010.

(2) First prize (jackpot). The first prize for the holder of a Double Lotto ticket will be double the amount that the holder of the ticket would have received had the ticket been a Lotto ticket.

(3) Second prize. The second prize for the holder of a Double Lotto ticket will be double the amount that the holder of the ticket would have received had the ticket been a Lotto ticket.

(4) Third prize. The third prize for the holder of a Double Lotto ticket will be double the amount that the

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holder of the ticket would have received had the ticket been a Lotto ticket.

(5) Fourth prize. The fourth prize for the holder of a Double Lotto ticket will be double the amount that the holder of the ticket would have received had the ticket been a Lotto ticket.

(6) The holder of a winning Double Lotto ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers, and shall be entitled to no additional prize under the authority of WAC 315-34-040.

(7) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the Double Lotto prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

#### NEW SECTION

**WAC 315-34-100 Double Lotto ticket purchases.** Double Lotto tickets may be purchased during the same hours that Lotto tickets may be purchased, but only for those drawings for which the director has declared that Double Lotto tickets shall be available for sale.

**WSR 96-15-056**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed July 16, 1996, 2:18 p.m.]

Date of Adoption: July 15, 1996.

Purpose: To clarify intent of statute in regulations by codifying current policies and practices; editing previous codifications for substance and form; and update regulations that are affected by other agencies' laws and rules.

Citation of Existing Rules Affected by this Order: Amending chapter 388-96 WAC, WAC 388-96-221, 388-96-534, 388-96-585, 388-96-735, 388-96-745, 388-96-762, 388-96-774, 388-96-776, 388-96-810, and 388-96-904.

Statutory Authority for Adoption: RCW 74.46.800.

Adopted under notice filed as WSR 96-11-010 on May 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 1, amended 10, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 10, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 10, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 15, 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 96-16 issue of the Register.

**WSR 96-15-059**  
**PERMANENT RULES**  
**PUGET SOUND AIR**  
**POLLUTION CONTROL AGENCY**  
[Filed July 16, 1996, 3:04 p.m.]

Date of Adoption: July 11, 1996.

Purpose: To eliminate the oxygenated gasoline program and establish a contingency measure and fee schedule in the event ambient air quality standards for carbon monoxide are violated in the future.

Citation of Existing Rules Affected by this Order: Amending Section 2.09, Regulation II.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-12-083 on June 5, 1996.

Changes Other than Editing from Proposed to Adopted Version: The last sentence under (a) was changed from "no later than March 1" to "within 30 days of a written finding, but no later than May 1."

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of the rule is dependent upon final approval of Puget Sound Air Pollution Control Agency's carbon monoxide maintenance plan by the United States Environmental Protection Agency.

Effective Date of Rule: The rule will become effective on the date of final approval by the United States Environmental Protection Agency of Puget Sound Air Pollution Control Agency's carbon monoxide maintenance plan, projected to be in November 1996.

July 15, 1996

Larry C. Vaughn  
Assistant Engineer

PERMANENT

**AMENDATORY SECTION**

**REGULATION II SECTION 2.09 OXYGENATED GASOLINE CONTINGENCY MEASURE AND FEE SCHEDULE**

(a) Applicability: This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February if, in consultation with the Washington Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

- (1) a quality assured violation of the national ambient air quality standard for carbon monoxide has occurred, and
- (2) prevention of future violations can be reasonably addressed through the implementation of this section.

This section shall take effect in November following such determination. The Agency shall provide notice to all registered gasoline stations and blenders within 30 days of a written finding, but no later than May 1.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than ~~((2.0%))~~ 2.7% by weight.

~~((c)) It shall be unlawful for any blender to supply gasoline with an oxygen content less than 2.7% by weight, averaged over each 2-month interval (November-December and January-February).))~~

(c) ~~((d))~~ It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

~~((e) If the ambient air quality standards for carbon monoxide have not been attained by December 31, 1995, the minimum oxygen contents specified in this section shall be increased to 3.1% for ethanol blends and 2.7% for other blends, effective the following November 1. In such an event, the Agency shall provide notice to all registered gasoline stations and blenders no later than March 1.))~~

(d) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January, and February, shall apply:

<u>Volume (gallons)</u>	
<u>less than 100,000</u>	<u>\$ 500.00</u>
<u>100,000 or more,</u>	
<u>but less than 1,000,000</u>	<u>\$ 1,000.00</u>
<u>1,000,000 or more,</u>	
<u>but less than 15,000,000</u>	<u>\$10,000.00</u>
<u>15,000,000 or more</u>	<u>\$25,000.00</u>

(e) Upon assessment by the Agency, this registration fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days.

(f) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of this section were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

**WSR 96-15-062  
PERMANENT RULES  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed July 17, 1996, 1:03 p.m.]

Date of Adoption: July 16, 1996.

Purpose: To recognize a simplified procedure for registration of Canadian broker-dealers or agents for limited purposes of accomplishing securities trades on behalf of preexisting customers.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 96-12-018 on May 29, 1996.

Changes Other than Editing from Proposed to Adopted Version: The director, after a hearing on a revised proposal filed under a supplemental notice filed with the code reviser, has determined to adopt the proposed 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 1, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Effective Date of Rule: Thirty-one days after filing.

July 16, 1996

John L. Bley

Director

**NEW SECTION**

**WAC 460-20B-035 Canadian broker-dealers and salespersons.** (1) A Canadian broker-dealer that is resident in Canada and has no office or other physical presence in the United States and is not an office of, branch of, or a natural person associated with, a broker-dealer otherwise registered in the United States may transact business in this state without registering as a broker-dealer pursuant to RCW 21.20.040 under the following conditions:

(a) The business transacted by the Canadian broker-dealer must be limited to:

(i) Transactions subject to the exemption provided by RCW 21.20.320(8);

(ii) Transactions with or for a Canadian person who is temporarily present in this state and with whom the Canadi-

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an broker-dealer had a bona fide customer relationship before the person entered this state; or

(iii) Transactions with or for a Canadian person in a self-directed tax advantaged retirement plan in Canada of which that person is the holder or contributor; and

(b) The Canadian broker-dealer must:

(i) File the following with the securities administrator:

(A) A notice in the form of that person's current application for registration required by the jurisdiction in which that person's head office is located; and

(B) A consent to service process pursuant to RCW 21.20.330; and

(ii) Be a member of a self-regulatory organization or stock exchange in Canada; and

(iii) Maintain provincial or territorial registration and membership in a Canadian self-regulatory organization or stock exchange in good standing; and

(c) Disclosure must be made to the customers in this state that the Canadian broker-dealer is not subject to the full regulatory requirements of the Securities Act of Washington.

(2) A Canadian securities salesperson representing a Canadian broker-dealer transacting business in this state pursuant to subsection (1) of this section need not register pursuant to RCW 21.20.040 provided that he or she is registered in good standing in the appropriate Canadian jurisdiction.

(3) Transactions by Canadian broker-dealers and their salespersons pursuant to subsections (1) and (2) of this section will be deemed not to involve the "offer" or "sale" of a security, as those terms are defined in RCW 21.20.005(10), for purposes of compliance with RCW 21.20.140. Nothing in this section shall affect the duty of the Canadian broker-dealer and its agents to comply with RCW 21.20.010 and the rules promulgated thereunder.

**WSR 96-15-063**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed July 17, 1996, 1:05 p.m.]

Date of Adoption: July 16, 1996.

Purpose: Amend filing requirements to specify post-sale notice filing for offerings pursuant to WAC 460-44A-505 and 460-44A-506.

Citation of Existing Rules Affected by this Order: Amending WAC 460-44A-503.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.320 (1), (9), (17).

Adopted under notice filed as WSR 96-12-019 on May 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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by policy and provisions of this chapter.

Effective Date of Rule: Thirty-one days after filing.

July 16, 1996

John L. Bley

Director

**AMENDATORY SECTION** (Amending WSR 90-09-059, filed 4/17/90, effective 5/18/90)

**WAC 460-44A-503 Filing of notice and payment of fee (~~(prior to sale)~~).** (1) An issuer offering or selling securities in reliance on WAC 460-44A-504, 460-44A-505, or 460-44A-506 shall file with the administrator of securities of the department of (~~(licensing)~~) financial institutions a notice and pay a filing fee as follows:

(a)(i)(A) For an offering in reliance on Securities and Exchange Commission Rule 505 or Rule 506, under WAC 460-44A-505 or 460-44A-506, respectively, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or box 506, as applicable, and pay a filing fee of three hundred dollars no later than (~~(ten business)~~) fifteen days (~~((or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor))~~ after the first sale of securities in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506;

(B) For an offering in reliance on Securities and Exchange Commission Rule 504, under WAC 460-44A-504, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 504 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(C) For an offering in reliance on Securities and Exchange Commission Rule 147, under WAC 460-44A-504, the issuer shall file the initial notice on Washington Securities Division Form WAC 460-44A-504/Rule 147 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(ii) ~~((The issuer shall also file with or on the initial notice a representation that the issuer has reviewed all the conditions of WAC 460-44A-504, 460-44A-505, or 460-44A-506 and such conditions shall be met, and~~

~~((iii))) Unless previously filed, the issuer shall include with the initial notice an executed uniform consent to service of process on Form U-2.~~

(b) The issuer shall file with the administrator such other notices on Form D as are required to be filed with the Securities and Exchange Commission.

~~(c) ((The issuer shall file a report of sales in the state of Washington on a form prescribed by the administrator no later than thirty days after the last sale of securities in the offering.~~

~~(d))~~ The initial notice ~~((or report of sales))~~ shall be manually signed by a person duly authorized by the issuer.

(2) By filing for the exemption of WAC 460-44A-504, 460-44A-505 or 460-44A-506, the issuer undertakes to furnish to the administrator, upon request, the information to be furnished or furnished by the issuer under WAC 460-44A-502 (2)(b) or otherwise to any purchaser that is not an accredited investor. Failure to submit the information in a timely manner will be a ground for denial or revocation of the exemption of WAC 460-44A-504, 460-44A-505 or 460-44A-506.

### WSR 96-15-064

#### PERMANENT RULES

#### GAMBLING COMMISSION

[Order 298—Filed July 17, 1996, 3:40 p.m., effective August 1, 1996]

Date of Adoption: July 12, 1996.

Purpose: To authorize an additional type of bingo player selection game similar to keno, but with a more limited scope.

Statutory Authority for Adoption: RCW 9.46.070 (1), (11), (13), (14), (20).

Adopted under notice filed as WSR 96-11-074 on May 13, 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 1, 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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The commission finds that making this rule effective on August 1, 1996, instead of waiting thirty-one days after filing will have no significant adverse impacts and will greatly benefit licensees.

Effective Date of Rule: August 1, 1996.

July 17, 1996  
Carrie Tellefson  
Special Assistant  
to the Director

#### NEW SECTION

**WAC 230-20-247 Keno bingo—Definitions and requirements.** Beginning August 1, 1996, Bingo licensees may play "keno bingo" games in which the players compete for portions of a prize pool based on matching the player selected bingo numbers with a specified number of balls called. The following definitions and requirements apply to keno bingo games:

(1) **Definitions:**

(a) A "way" is defined as a grouping of the numbers selected by players and documented on a single keno bingo card. Each "way" is a different possible winning combination;

(b) "Low tier prizes" are prizes worth fifty dollars or less;

(c) "Middle tier prizes" are prizes worth more than fifty dollars, but not more than \$1,000; and

(d) "High tier prizes" are prizes worth more than one thousand dollars.

(e) A "player selection form" is a single copy of a keno bingo card which displays all seventy-five numbers. The player utilizes this form to select their numbers. In no case shall the player selection form be substituted for a completed keno bingo card.

(2) **Keno bingo card requirements:**

(a) Keno bingo cards must be printed on two-part, self-duplicating paper that provides for an original and a duplicate copy;

(b) The standards for disposable bingo cards as defined in WAC 230-20-192 are followed; and

(c) Cards must have seventy-five spaces numbered one to seventy-five.

(3) **Operational restrictions:**

(a) Licensees may offer a maximum of six different priced keno bingo card sets for play at any one time;

(b) Keno bingo players may play a maximum of five "ways" per card. Each way must be clearly distinguishable and noted by an alphabetical reference. Each number picked cannot be used in more than two ways.

(c) Players must pick a minimum of two and a maximum of eight numbers per card;

(d) Maximum price per way is three dollars; and

(e) Maximum total price per keno bingo card is fifteen dollars.

(4) **Receipting requirements.** The licensee must use combination receipting as set forth in WAC 230-20-108 (3) and (4), in addition to the following requirements:

(a) The time and date of sale must be recorded on the cash register receipt;

(b) Voided keno bingo cards must have the word "void" stamped or written on the bingo card and must be signed by a bingo worker and the bingo manager and retained with the daily keno bingo records for that keno bingo session; and

(c) If electronically-generated bingo cards are used, the electronic bingo card must include the time and date the card was issued.

(d) All receipting records shall be totaled and closed out before starting sales for the next keno bingo game.

**(5) Manner of conducting keno bingo:**

(a) Players shall mark the numbers they select on a player selection form. The player selection form shall be given to a bingo worker along with the dollar amount of the card purchased. A bingo worker shall complete a keno bingo card using the numbers selected on the player selection form. The original bingo card shall then be placed in a separate lock box designated for that series. The duplicate copy shall be returned to the player along with the corresponding cash register receipt. Upon receiving the keno bingo card from the bingo worker, the player shall be responsible for determining the accuracy of the card.

(b) At least five minutes before the drawing of the keno bingo number, card sales shall cease and cash registers shall be subtotaled. The bingo licensee shall make an announcement notifying players when sales have been closed for each game. The time sales are closed and the cash register subtotals shall be recorded immediately on the daily keno bingo record for each keno bingo game.

(c) All keno bingo cards shall be placed in a lock box before the first keno bingo number is drawn. The gambling manager shall then close the box and record the time on the daily bingo record for the keno bingo session.

(d) Operators shall draw twenty of the seventy-five bingo balls.

(e) Refunds shall not be allowed: *Provided*, that a one-for-one exchange may be made by the operator in cases where errors are discovered before the lock box is closed. The procedures to be followed when making such exchanges include:

(i) The player must initial the card; and

(ii) The operator must follow the voided card requirements.

**(6) Determining winners, awarding and receipting prizes:** Upon determination of a winning card, the player shall present their duplicate copy of the original winning card and the cash register receipt to a bingo worker. The original bingo card shall be retrieved from the lock box and reviewed to determine if it is a winner. Upon determination of a winner, the prize shall be computed and the winner positively identified as set forth under WAC 230-20-246 (14)(b). Winning cards must be presented and prizes paid as follows:

(a) Prize payouts may not exceed amounts listed on a director approved keno bingo payout schedule available from any commission office upon request.

(b) Low tier prizes shall be paid before the end of the keno bingo session. An announcement shall be made notifying players of their last opportunity to turn in winning low tier cards.

(c) All middle and high tier prizes shall be claimed before the start of the next game and paid before the end of the keno bingo session. The licensee shall set a time limit for middle and high tier winners to present their winning cards and cash register receipts in order to determine whether the maximum total prize pool will be exceeded. An

announcement shall be made notifying players of their last opportunity to turn in winning middle and high tier cards.

(d) The maximum total middle and high tier prizes that may be awarded per game is twenty thousand dollars. If this limit is exceeded, middle and high tier winners shall divide the prize as provided by WAC 230-20-246(9).

(e) A prize receipt shall be prepared and issued for all prizes awarded over ten dollars.

(f) Prize winners shall print their name and date of birth on all winning cards and the bingo worker shall initial the card.

(g) All high tier winning cards shall be verified by a neutral player and a licensed gambling manager. Upon verification, the manager and neutral player shall sign the winning card.

**(7) Keno bingo record keeping requirements:** A separate bingo daily record shall be maintained for keno bingo games. In addition to the requirements of WAC 230-08-080, the licensee must also:

(a) Maintain a call record for every game which includes the time the first number was drawn, the numbers called, and the sequence numbers were called;

(b) Make a separate deposit. The deposit receipt shall be maintained with keno bingo session records;

(c) Use a separate series of prize receipts that indicate keno bingo and meet the requirements of WAC 230-20-102;

(d) Retain all winning cards and cash register receipts for middle and high tier prizes; and

(e) If a shift change is made during a keno bingo session, a bank reconciliation must be performed and signed by the workers.

**(8) Required disclosures to players:** Operators shall develop and post house rules that disclose at a minimum the following information:

(a) A keno bingo schedule, including when the keno bingo session begins and ends;

(b) Time limits on claiming prizes, including what constitutes the end of the session;

(c) That the player is responsible to ensure the accuracy of the numbers recorded on their card;

(d) That the player is responsible to ensure cards are purchased before the start of the game; and

(e) Prizes offered and prize limitations.

(f) The player selection forms shall include the players' responsibility to ensure the accuracy of the numbers recorded on the bingo card and all house rules relating to keno bingo.

**WSR 96-15-082**  
**PERMANENT RULES**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
[Filed July 18, 1996, 3:56 p.m.]

Date of Adoption: July 12, 1996.

Purpose: Makes permanent an emergency rule adopted May 14, 1996, regarding eligibility of certain Washington wildlife and recreation program projects on LEAP Capital Budget Doc. #5 for waiver-of retroactivity for development costs. Without amendment, the standard rule would prohibit reimbursement for certain local governments' expenditures in 1996-97 on proposed FY 97 WWRP grant projects.



Citation of Existing Rules Affected by this Order:  
Amending WAC 286-13-085(2).

Statutory Authority for Adoption: RCW 43.98A.060(1),  
43.98A.070(5), 43.99.080(2).

Adopted under notice filed as WSR 96-12-065 on June  
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 Nongov-  
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
1, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 15, 1996

Laura E. Johnson  
Director

**AMENDATORY SECTION** (Amending WSR 96-08-044,  
filed 3/29/96, effective 4/29/96)

**WAC 286-13-085 Retroactive and increased costs.**  
See WAC 286-04-010 for definition of terms for the follow-  
ing section.

(1) Retroactive land acquisition costs.

The director may grant a waiver of retroactivity when-  
ever an applicant asserts, in writing, that a condition exists  
which may jeopardize the project. When evidence warrants,  
the director may grant the applicant permission to proceed  
by issuing the written waiver. This waiver of retroactivity  
will not be construed as an approval of the proposed project.  
If the project is subsequently approved, however, the costs  
incurred will be eligible for assistance. If the project is to  
remain eligible for grant support from federal funds, the  
director shall not authorize a waiver of retroactivity to the  
applicant until the federal agency administering the federal  
funds has issued its own waiver of retroactivity as provided  
under its rules and regulations.

(2) Retroactive development costs. The only retroactive  
development costs eligible for reimbursement consideration  
are preliminary expenses (e.g., engineering costs).

However, solely in respect to WWRP projects on LEAP  
Capital Document 5, the director is authorized to grant a  
waiver of retroactivity which establishes eligibility for future  
reimbursement of all appropriate development costs. Such  
applicants' retroactivity requests must be in writing, and  
provide sufficient justification. Reimbursement of expendi-  
tures is subject to the provisions of WAC 286-13-070. This  
authority shall be effective until the execution of a project  
agreement or June 30, 1997, whichever occurs first.

(3) Cost increases.

(a) Cost increases for approved projects may be granted  
by the committee if financial resources are available.

(b) Each cost increase request will be considered on its  
merits.

(c) If an approved project recommended for federal  
funding is denied by the appropriate federal agency, the  
sponsor may request that the committee increase assistance  
by an equivalent amount; such requests shall be considered  
on their merits.

(d) The director may approve a sponsor's development  
project cost increase request so long as the total request does  
not exceed ten percent of the project's approved initial cost.  
The director may also approve land acquisition cost increase  
requests so long as the total request for each parcel does not  
exceed ten percent of both the committee approved initial  
cost and the appraised and reviewed value of each parcel for  
which a cost increase is requested.

**WSR 96-15-096**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 96-80—Filed July 19, 1996, 5:00 p.m.]

Date of Adoption: April 20, 1996.

Purpose: Establish zebra mussels as deleterious wildlife  
and provide preventative measures.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-12-168.

Statutory Authority for Adoption: RCW 77.12.020,  
77.12.040.

Adopted under notice filed as WSR 96-06-063 on  
March 6, 1996.

Changes Other than Editing from Proposed to Adopted  
Version: New WAC 232-12-01701 Zebra mussels: Subsec-  
tion (3), "Canadian Province" was added - Zebra mussels are  
currently found in two Canadian provinces and restrictions  
should also apply to these areas.

"Continental Divide" replaced "Rocky Mountains," the  
phrase east of the Rocky Mountains was not specific enough.  
Public comment pointed out that it was ambiguous to those  
areas in the Rocky Mountains.

Subsection (4)(b), "without written approval by the  
director or designee" was added - as originally written, this  
section of the rule would not allow the shipment of dead  
mussels from an approved research facility to an approved  
out-of-state incineration facility. The need for the change  
was pointed out by the department's Marine Resources  
Division which has a similar provision in its laws regarding  
research facilities.

Subsection (4)(c), "holding waters and all equipment are  
disinfected" replaced "and medium are sterilized," replacing  
the term "medium" with holding waters and equipment  
makes the rule more specific and enforceable. Public  
comment pointed out that the concept of sterilization is a  
standard that may not be possible to achieve.

Subsection (5), "treatment" replaced "sterilization," true  
sterilization is difficult to achieve, chemical treatment is  
sufficient to kill adult and larval zebra mussels under  
controlled lab conditions.

Amending WAC 232-12-168: Subsection (5)(c), "30"  
replaced "10," the Fish and Wildlife Commission amended



this section on April 15, 1996, to change the contest reporting requirement from 10 to 30 days. The final version reflects this previously adopted change.

Subsection (7)(a), "Continental Divide" replaced "Rocky Mountains," to eliminate ambiguity.

"must complete a decontamination report indicating that" replaced "has taken" and "actions have been taken" were included - to provide clarification regarding documentation that contest participants met the required actions.

Subsection (7)(a)(i), "livewell and bilge" was added - to provide further specificity of the areas the contest director physically inspects.

"or his designee" was added - to provide flexibility for delegation by the contest director.

"in a garbage container" replaced "on dry land above the high water mark" - the Department of Ecology pointed out that, as proposed, the rule could contribute to either ground or surface water pollution.

Subsections (7)(a)(ii)(B) and (7)(a)(iii), "household" replaced "five percent" and "of 1 part bleach to 19 parts water, or the equivalent" was added - to add clarity that easily obtained standard bleach solutions could be used to meet this requirement.

Subsection (7)(a)(iv), "in such a manner that waste water will not directly enter state waters, either ground or surface" replaced "of on dry land above the high water mark" - the Department of Ecology recommended to avoid polluting state waters.

Subsection (7)(b), "and decontamination report" was added - to provide clarification that the report will be submitted as part of the fishing contest report, as well as the decontamination statement.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 22, 1996

Mitchell S. Johnson, Chairman  
Fish and Wildlife Commission

## NEW SECTION

**WAC 232-12-01701 Zebra mussels.** (1) Zebra mussels, including *Dreissena polymorpha* and other species commonly known as quagga, are hereby designated as deleterious exotic wildlife and a public nuisance.

(2) It is unlawful to intentionally import into the state or possess zebra mussels except as provided in this section.

(3) It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(4) Scientific research: The director may authorize, by prior written permit, a person to possess zebra mussels for scientific research, provided:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of zebra mussels or any form of zebra mussel larvae, is not a natural watercourse, and is inaccessible to wildlife or other animals that could transport zebra mussels or zebra mussel larvae.

(b) Specimens are not transferred to any other facility, without written approval by the director or designee.

(c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected.

(d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of zebra mussel enclosures and general nature of the research.

(e) All zebra mussel enclosures are subject to inspection without warrant at reasonable times and in a reasonable manner by authorized department personnel.

(5) Abatement. Except as provided for in subsection (4) of this section, the department may take action to prevent or abate introduced zebra mussels as a public nuisance, including but not limited to chemical treatment of the water containing the zebra mussels or object to which the zebra mussels are attached, heat treatment of such object, or other abatement measures as are appropriate. The possessor of zebra mussels may be responsible for costs incurred by the department in abating a zebra mussel infestation.

**AMENDATORY SECTION** (Amending Order 629 [96-45], filed 2/18/94 [5/13/96], effective 3/21/94 [6/13/96])

**WAC 232-12-168 Fishing contests.** (~~((+))~~) (1) Contest defined: By definition, a fishing contest exists when 6 or more persons fish competitively and determine winners, regardless of prize value.

(~~((+))~~) (2) Application:

(a) Fishing contest permit applications should be submitted to the department by November 1 of each year for contests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

~~((3))~~ (3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

(c) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director. Also, contests involving only juveniles may target any fish species except sea-run cutthroat trout, Dolly Varden or bull trout, under one permit.

~~((4))~~ (4) Prize value: Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish, grayling, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize. Contests involving only juveniles are not required to meet 90 percent live release requirements even if bass or walleye are included as a target species.

~~((5))~~ (5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and water~~((s))~~s approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within ~~((40))~~ 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests where all participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	CONTESTS PER MONTH*	CONTESTS PER YEAR		BOATS PER CONTEST DAY
			BASS	WALLEYE	
Less than 300	1	1	5	0	15
301 - 3,000	1	2	10	2	35
3,001 - 6,000	1	3	15	2	60
6,001 - 10,000	1	4	25	2	125
More than 10,000**	2	5	35	2	300

\* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

~~((6))~~

\*\* Two separate contest permits may be issued with no more than 150 boats per contest.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all

provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit.

~~((6))~~ (6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials. Contests involving only juveniles are not required to meet the 90 percent live release requirement for any approved species.

(b) During bass contests only, participants may continue to fish while holding a daily catch limit of bass in possession for the particular water being fished, as long as one fish is released immediately upon catching a fish which would make the angler in excess of the daily catch limit if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than a daily limit in the livewell.

(c) During bass contests, contestants may not use live bait, except that contests involving only juveniles which include bass as a target species may use bait.

(d) During bass contests held on waters managed under statewide "standard" regulations, participants may retain a daily catch limit of bass of any size to be weighed in. However, if the contest is on waters managed by "nonstandard" (exception) regulations, no deviations to size limits are allowed. Regardless of whether the contest is on a water managed by "standard" or "exception" regulations, tournament anglers may not be in possession of more than the daily catch limit for the water being fished, except as authorized under (6)(f) below.

(e) During walleye contests, all current bag and size remain in effect. No size or number limit exceptions are allowed for walleye contests except as authorized under (6)(f) below.

(f) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(g) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

(h) Boat identification: All boats used for fishing in bass contests must be clearly identified according to criteria established by the department.

(7) Zebra mussel decontamination. Prior to participating in a Washington state fishing contest:

(a) All contest participants are required to sign a zebra mussel decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters east of the Continental Divide for thirty days

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immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters the participant must complete a decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, and any zebra mussels, if found, have been disposed of in a garbage container; and

(ii) The vessel has been decontaminated by the hull having been:

(A) Pressurized washed with hot soapy water; or

(B) Washed with a household bleach solution of one part bleach to 19 parts water, or the equivalent;

(iii) The motor has been run in a household bleach solution of one part bleach to 19 parts water, or the equivalent, for a minimum of one minute; and

(iv) The bilge and any livewells have been flushed, and the flush water disposed in such a manner that the wastewater will not directly enter state waters, either ground or surface.

(b) The zebra mussel decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

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

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

**WSR 96-15-098**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 22, 1996, 10:55 a.m.]

Date of Adoption: July 19, 1996.

Purpose: To provide for a disciplinary appeal council to hear and decide various student appeals in lieu of school district boards of directors and to implement chapter 321, Laws of 1996, relating to student suspensions.

Citation of Existing Rules Affected by this Order: Amending WAC 180-40-205, 180-40-240, 180-40-255, 180-40-310, 180-40-315, and 180-40-320.

Statutory Authority for Adoption: RCW 28A.305.160.

Other Authority: Chapter 321, Laws of 1996.

Adopted under notice filed as WSR 96-12-088 on June 5, 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 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 6, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 1996

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending Order 14-79, filed 10/16/79)

**WAC 180-40-205 Definitions.** As used in this chapter the term: (1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: *Provided*, That the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or in behalf of a school district.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding ~~(five)~~ **ten** consecutive school days.

(4) "Long-term suspension" shall mean a suspension which exceeds a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

**AMENDATORY SECTION** (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-240 Discipline—Grievance procedure.** Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the

building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

**AMENDATORY SECTION** (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-255 Short-term suspension—Grievance procedure.** Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

**AMENDATORY SECTION** (Amending Order 13-77, filed 10/18/77)

**WAC 180-40-310 Appeals—Long-term suspension and expulsion.** Appeals from decisions rendered pursuant to WAC 180-40-270, 180-40-285 and 180-40-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary

appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

~~((2))~~ (3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

~~((3))~~ (4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the ~~((imposition of the))~~ suspension or expulsion ~~((shall not))~~ may be imposed ~~((until))~~ during the appeal ~~((is decided: Provided, That an emergency expulsion that is continued pursuant to WAC 180-40-305 need not be either interrupted or stayed if the decision rendered includes a conclusion that the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school))~~ period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school; and

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion.

~~((4))~~ (5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

AMENDATORY SECTION (Amending Order 14-79, filed 10/16/79)

**WAC 180-40-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures.** (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 180-40-310((+)) (2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) Question and confront witnesses,

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

NEW SECTION

**WAC 180-40-317 Appeals—Discipline and short-term suspension grievances.** Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC 180-40-240 and 180-40-253 to a school district disciplinary appeal council established pursuant to WAC 180-40-310(1).

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-320 School board or disciplinary appeal council decisions.** Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

(1) Only by those board or council members who have heard or read the evidence.

(2) Only by those board or council members who have not acted as a witness in the matter.

(3) Only at a meeting at which a quorum of the board or council is present and by majority vote.

**WSR 96-15-099****PERMANENT RULES****STATE BOARD OF EDUCATION**

[Filed July 22, 1996, 11:00 a.m.]

Date of Adoption: July 19, 1996.

Purpose: To implement chapter 83, Laws of 1996, relating to State Board of Education approval of private schools to include kindergarten programs that meet specified requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 180-90-115, 180-90-125, and 180-90-160.

Statutory Authority for Adoption: RCW 28A.305.130(6), 28A.195.040.

Other Authority: Chapter 83, Laws of 1996.

Adopted under notice filed as WSR 96-12-087 on June 5, 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 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 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

**WAC 180-90-115 Definition—Private school.** As used in this chapter, the term "private school" shall mean a nonpublic school(~~(, including parochial or independent schools, and)~~) or nonpublic school district(~~(s, including parochial and independent school districts, carrying out)~~)

conducting a program consisting of kindergarten and at least grade one, or a program (~~(for)~~) consisting of any or all of (~~the~~) grades one through twelve.

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-90-125 Definitions—Exceptional case, unusual competence, and general supervision.** As used in this chapter the term:

(1) "Exceptional case" means that a circumstance exists within a private school in which:

(a) A certified teacher is not available for employment for the school year or remainder thereof and documents related to unsuccessful efforts to recruit a certified teacher are on file in the school records and will be forwarded to the superintendent of public instruction upon request; and

(b) The educational program offered by the private school either will be significantly impaired without the employment of the noncertified employee or will be significantly improved with the employment of the noncertified employee; and

(c) The school which employs a noncertified employee or employees pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education to every twenty-five FTE students enrolled in grades (~~(one)~~) kindergarten through twelve.

(2) "Unusual competence":

(a) As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010(7) and WAC 180-90-160(7) will be significantly impaired without the employment of a noncertified employee, means that the noncertified employee possesses a minimum of forty-five quarter credits beyond the baccalaureate degree with a minimum of forty-five quarter credits in courses in the subject matter to be taught or in courses closely related to the subject matter to be taught; or

(b) As applied to an exceptional case wherein the educational program will be significantly improved with the employment of a noncertified employee, means that the noncertified employee possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(3) "General supervision" means that:

(a) A certified teacher or administrator shall be generally available at the school site to observe and advise the noncertified employee; and

(b) The noncertified employee shall be evaluated pursuant to policies of the private school.

(4) *Provided*, That the noncertified employee of the private school, employed pursuant to this section, and as verified by the private school:

(a) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(b) Has not had his or her teacher's certificate revoked by any state or foreign country; and

(c) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

~~((5) *Provided further*, That the provisions of this section shall not be applicable until the state board of education takes action to approve private schools for the 1988-89 school year.))~~

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-90-160 Minimum standards and certificate form.** The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE  
WITH STATE STANDARDS

ESD/County/Public  
School District  
Private School/  
District Address

I, . . . . ., do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades . . . . . through . . . . . with a projected enrollment of . . . . .; and that said school is scheduled to meet throughout the . . . . . school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I, . . . . ., do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total program hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total program hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

(a) 450 hours for students in kindergarten.

(~~(b)~~) (c) 2700 hours for students in grades one through three.

~~((b))~~ (c) 2970 hours for students in grades four through six.

~~((c))~~ (d) 1980 hours for students in grades seven and eight.

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((d)) (e) 4320 hours for students in grades nine through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a certified teacher or administrator pursuant to WAC 180-90-125. The noncertified employee, the certified person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: Provided, That if a noncertified person is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

Dated this . . . . day of . . . . ., 19. . .

.....  
(signed)

.....  
(title)

.....  
(phone number)

**WSR 96-15-101  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-81—Filed July 22, 1996, 12:15 p.m.]

Date of Adoption: June 5, 1996.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-47-304, 220-47-307, 220-47-311, 220-47-401, and 220-47-411.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 96-09-105 on April 17, 1996.

Changes Other than Editing from Proposed to Adopted Version: Area 11 closure line modified; Areas 12B and C coho/chum closure rescinded; Area 7B seine closes at 4 p.m. on September 11; Area 11 seine and gill net openings prior to October 21 withdrawn; reef nets closed in 1996; Areas 12 and 12B open November 5; beach seine gear withdrawn for continuance; Beach seine in 12A; 2,000 foot closure in 12C.

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.

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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 5, 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.  
 July 19, 1996  
 Bern Shanks  
 Director

**AMENDATORY SECTION** (Amending Order 95-75, filed 6/16/95, effective 7/17/95)

**WAC 220-47-304 Puget Sound—All citizen salmon species seasons.** The following are Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
7.7A:	FRASER SOCKEYE AND PINK	6/25	9/30
	CHUM	10/8	11/18
7B:	CHINOOK	8/6	9/9
	COHO	9/10	10/28
	CHUM	10/29	12/16
7C:	CHINOOK	8/6	10/14
8:	PINK	8/20	9/16
	CHUM	10/22	11/25
8A:	CHUM	10/22	12/2
8D:	COHO	9/24	11/11
	CHUM	11/12	12/16
9A:	COHO	9/17	11/4
10,11:	CHUM	10/15	11/20
12:	CHUM	10/15	11/20
12B:	CHUM	10/22	11/20
12C:	CHUM	10/29	11/27)
<b>AREA</b>	<b>SPECIES</b>	<b>DATE</b>	<b>RANGE</b>
6D:	COHO	9/22	10/26
7.7A:	FRASER SOCKEYE AND PINK	6/25	9/30
	CHUM	9/29	11/16
7B:	CHINOOK	8/11	9/7
	COHO	9/8	10/26
	CHUM	10/27	12/14
7C:	CHINOOK	8/11	10/12
8:	CHUM	10/27	11/30
8A:	CHUM	10/20	11/30
8D:	COHO	9/22	11/9
	CHUM	11/10	12/21
9A:	COHO	9/15	11/2
10:	CHUM	10/13	11/30
11:	COHO	9/8	10/12
	CHUM	10/13	11/30
12:	CHUM	10/20	11/20

12A:	COHO	9/1	10/12
12B:	CHUM	10/27	11/20
12C:	CHUM	10/27	11/30

**AMENDATORY SECTION** (Amending Order 95-75, filed 6/16/95, effective 7/17/95)

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 75.12.140:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Edith Point on Fidalgo Island to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the

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Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - ~~Those waters ((north of a line projected from Fisherman's Point on the Bolton Peninsula to the boat haven at Quileene and those waters))~~ north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within ~~((1,000))~~ 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas ~~12((12B, 12C,))~~ and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area ~~((12B, 12C, and))~~ 12D ~~((south of a line projected from Tekiu Point to Triton Head)).~~

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer

oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

**AMENDATORY SECTION** (Amending Order 95-75, filed 6/16/95, effective 7/17/95)

**WAC 220-47-311 Purse seine—Open periods.** During ~~((1994))~~ 1996, it is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE	TIME	DATE
7, 7A:	7AM		6PM	10/23, 10/24
	6AM		5PM	10/31, 11/01, 11/02, 11/06, 11/07, 11/08, 11/09, 11/10
7B:	6AM	9/11	4PM	10/28
	6AM	10/30	4PM	11/03
	6AM	11/05	4PM	11/18
	6AM	11/20	4PM	11/22
	6AM	11/27	4PM	11/29
8:	5AM		9PM	8/28 8/30
	6AM		5PM	11/06
	7AM		5PM	11/14, 11/15, 11/20, 11/21, 11/22
8A, 8D:	7AM		6PM	10/23, 10/24
	6AM		5PM	10/31, 11/1, 11/02, 11/06, 11/07, 11/08
	7AM		5PM	11/14, 11/15, 11/16, 11/20, 11/21, 11/22
10, 11:	7AM		6PM	10/23
	6AM		5PM	10/31, 11/06, 11/07
	7AM		5PM	11/14
12, 12B:	6AM		5PM	10/31, 11/06, 11/07, 11/14, 11/15, 11/16))

AREA	TIME	DATE	TIME	DATE
7, 7A:	6AM	10/28	8PM	10/29
	6AM	11/04	8PM	11/06
	6AM	11/12	8PM	11/14
	6AM	11/17	8PM	11/23
7B:	6AM	9/09	4PM	9/11
	6AM	9/15	4PM	11/09
	6AM	11/11	4PM	11/15
	6AM	11/18	4PM	11/22
	6AM	11/25	4PM	11/29
	6AM	12/02	4PM	12/06
	6AM	12/09	4PM	12/13
8:	7AM		5PM	11/13
	6AM	11/18	8PM	11/19
	6AM	11/25	8PM	11/27
8A:	6AM	10/21	8PM	10/22
	6AM	10/28	8PM	10/29
	6AM	11/04	8PM	11/06
	6AM	11/12	8PM	11/14
	6AM	11/18	8PM	11/20
	6AM	11/25	8PM	11/27

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<u>8D:</u>	<u>7AM</u>	:	<u>7PM</u>	<u>9/30, 10/01,</u> <u>10/02, 10/03,</u> <u>10/08, 10/09,</u> <u>10/10, 10/11</u>
	<u>7AM</u>	:	<u>6PM</u>	<u>10/14, 10/15,</u> <u>10/16, 10/17</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>10/22</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>10/29</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>11/06</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>11/14</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>11/20</u>
	<u>6AM</u>	:	<u>8PM</u>	<u>11/27</u>
<u>10:</u>	<u>7AM</u>	:	<u>6PM</u>	<u>10/21</u>
	<u>7AM</u>	:	<u>5PM</u>	<u>10/29, 11/04,</u> <u>11/13, 11/18</u>
<u>11:</u>	<u>7AM</u>	:	<u>6PM</u>	<u>10/21</u>
	<u>7AM</u>	:	<u>5PM</u>	<u>10/29, 11/04,</u> <u>11/13, 11/18</u>
<u>12, 12B:</u>	<u>7AM</u>	:	<u>5PM</u>	<u>11/04, 11/05,</u> <u>11/13, 11/14,</u> <u>11/18, 11/19</u>
<u>12C:</u>	<u>7AM</u>	:	<u>5PM</u>	<u>11/18, 11/19,</u> <u>11/25, 11/27</u>

It is unlawful to retain coho and chinook salmon taken with purse seine gear in areas 8, 12, 12B and 12C. All other saltwater and freshwater areas - closed.

**AMENDATORY SECTION** (Amending Order 95-75, filed 6/16/95, effective 7/17/95)

**WAC 220-47-401 Reef net open periods.** During ((1994)) 1996, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound ((except in the following designated Puget Sound Salmon Management and Catch Reporting Area, during the periods provided for hereinafter in each respective area:

<u>AREA</u>	<u>TIME</u>	<u>DATE(S)</u>
<u>7, 7A</u>	<u>7AM - 7PM</u>	<u>Daily 10/01 - 10/21</u>

It is unlawful to retain coho salmon taken with reef net gear. All other saltwater and freshwater areas closed)).

**AMENDATORY SECTION** (Amending Order 95-75, filed 6/16/95, effective 7/17/95)

**WAC 220-47-411 Gill net—Open periods.** During ((1994)) 1996, it is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

<u>(AREA)</u>	<u>TIME</u>	<u>DATE(S)</u>
<u>7, 7A:</u>	<u>5PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u>
	<u>4PM - 8AM</u>	<u>NIGHTLY 10/30, 10/31,</u> <u>11/1, 11/6, 11/7,</u> <u>11/8, 11/9, 11/10</u>
<u>7B:</u>	<u>7PM - 8AM</u>	<u>NIGHTLY 8/7, 8/8, 8/14,</u> <u>8/15, 8/16, 8/21,</u> <u>8/22, 8/28</u>
	<u>6AM - 9/10</u>	<u>through 4PM - 10/28</u>
	<u>6AM - 10/30</u>	<u>through 4PM - 11/3</u>

	<u>6AM - 11/5</u>	<u>through 4PM - 11/18</u>
	<u>6AM - 11/20</u>	<u>through 4PM - 11/22</u>
	<u>6AM - 11/27</u>	<u>through 4PM - 11/29</u>
<u>8:</u>	<u>5AM - 9PM</u>	<u>8/28 - 8/30</u>
	<u>4PM - 8AM</u>	<u>NIGHTLY 11/6, 11/13,</u> <u>11/14, 11/20,</u> <u>11/21, 11/22</u>
<u>8A, 8D:</u>	<u>5PM - 8AM</u>	<u>NIGHTLY 10/23, 10/24</u>
	<u>4PM - 8AM</u>	<u>NIGHTLY 10/30, 10/31,</u> <u>11/1, 11/6, 11/7,</u> <u>11/8, 11/13,</u> <u>11/14, 11/15,</u> <u>11/20, 11/21,</u> <u>11/22</u>
<u>9A:</u>	<u>6AM - 9/18</u>	<u>through 4PM - 9/22</u>
	<u>6AM - 9/25</u>	<u>through 4PM - 9/29</u>
	<u>6AM - 10/2</u>	<u>through 4PM - 10/6</u>
	<u>6AM - 10/9</u>	<u>through 4PM - 10/13</u>
	<u>6AM - 10/16</u>	<u>through 4PM - 10/20</u>
	<u>6AM - 10/23</u>	<u>through 4PM - 10/27</u>
	<u>6AM - 10/30</u>	<u>through 4PM - 11/3</u>
<u>10, 11:</u>	<u>5PM - 10/23</u>	<u>8AM - 10/24</u>
	<u>4PM - 8AM</u>	<u>NIGHTLY 10/30, 11/6,</u> <u>11/07, 11/13</u>
<u>12, 12B:</u>	<u>4PM - 8AM</u>	<u>NIGHTLY 10/30, 11/6, 11/7,</u> <u>11/13, 11/14,</u> <u>11/15)</u>

<u>AREA</u>	<u>TIME</u>	<u>DATE(S)</u>
<u>6D:</u>	<u>7AM - 7PM</u>	<u>DAILY 10/1 - 10/4</u> <u>10/7 - 10/11</u> <u>10/14 - 10/18</u> <u>10/21 - 10/25</u>

Note: Area 6D skiff gill net only. It is unlawful to retain chinook salmon taken in Area 6D.

<u>7, 7A:</u>	<u>6AM 10/28</u>	:	<u>8PM 10/29</u>
	<u>6AM 11/4</u>	:	<u>8PM 11/6</u>
	<u>6AM 11/12</u>	:	<u>8PM 11/14</u>
	<u>6AM 11/17</u>	:	<u>8PM 11/23</u>
<u>7B:</u>	<u>7PM - 8AM</u>		<u>NIGHTLY 8/19, 8/26, 9/3</u>
	<u>6AM 9/9</u>	:	<u>4PM 9/11</u>
	<u>6AM 9/15</u>	:	<u>4PM 11/9</u>
	<u>6AM 11/11</u>	:	<u>4PM 11/15</u>
	<u>6AM 11/18</u>	:	<u>4PM 11/22</u>
	<u>6AM 11/25</u>	:	<u>4PM 11/29</u>
	<u>6AM 12/2</u>	:	<u>4PM 12/6</u>
	<u>6AM 12/9</u>	:	<u>4PM 12/13</u>
<u>7C:</u>	<u>7PM - 8AM</u>		<u>NIGHTLY 8/19, 8/26, 9/3</u>
<u>8:</u>	<u>4PM 11/12</u>	:	<u>8AM 11/13</u>
	<u>6AM 11/18</u>	:	<u>8PM 11/19</u>
	<u>6AM 11/25</u>	:	<u>8PM 11/27</u>
<u>8A:</u>	<u>6AM 10/21</u>	:	<u>8PM 10/22</u>
	<u>6AM 10/28</u>	:	<u>8PM 10/29</u>
	<u>6AM 11/4</u>	:	<u>8PM 11/6</u>
	<u>6AM 11/12</u>	:	<u>8PM 11/14</u>
	<u>6AM 11/18</u>	:	<u>8PM 11/20</u>
	<u>6AM 11/25</u>	:	<u>8PM 11/27</u>
<u>8D:</u>	<u>6PM - 8AM</u>		<u>NIGHTLY 9/30, 10/1, 10/2, 10/3,</u> <u>10/7, 10/8, 10/9, 10/10</u>
	<u>5PM - 8AM</u>		<u>NIGHTLY 10/14, 10/15, 10/16,</u> <u>10/17</u>
	<u>6AM 10/21</u>	:	<u>8PM 10/22</u>
	<u>6AM 10/28</u>	:	<u>8PM 10/29</u>
	<u>6AM 11/4</u>	:	<u>8PM 11/6</u>
	<u>6AM 11/12</u>	:	<u>8PM 11/14</u>
	<u>6AM 11/18</u>	:	<u>8PM 11/20</u>

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	<u>6AM</u>	<u>11/25</u>	-	<u>8PM</u>	<u>11/27</u>
<u>9A:</u>	<u>6AM</u>	<u>9/16</u>	-	<u>4PM</u>	<u>9/20</u>
	<u>6AM</u>	<u>9/23</u>	-	<u>4PM</u>	<u>9/27</u>
	<u>6AM</u>	<u>9/30</u>	-	<u>4PM</u>	<u>10/4</u>
	<u>6AM</u>	<u>10/7</u>	-	<u>4PM</u>	<u>10/11</u>
	<u>6AM</u>	<u>10/14</u>	-	<u>4PM</u>	<u>10/18</u>
	<u>6AM</u>	<u>10/21</u>	-	<u>4PM</u>	<u>10/25</u>
	<u>6AM</u>	<u>10/28</u>	-	<u>4PM</u>	<u>11/1</u>
<u>10:</u>	<u>5PM</u>	<u>10/21</u>	-	<u>8AM</u>	<u>10/22</u>
	<u>4PM - 8AM</u>		-	<u>NIGHTLY</u>	<u>10/28, 11/4, 11/12,</u>
					<u>11/18</u>
<u>11:</u>	<u>5PM</u>	<u>10/21</u>	-	<u>8AM</u>	<u>10/22</u>
	<u>4PM - 8AM</u>		-	<u>NIGHTLY</u>	<u>10/28, 11/4, 11/12,</u>
					<u>11/18</u>
<u>12, 12B:</u>	<u>4PM - 8AM</u>		-	<u>NIGHTLY</u>	<u>11/4, 11/5, 11/12,</u>
					<u>11/13, 11/18, 11/19</u>
<u>12C:</u>	<u>4PM - 8AM</u>		-	<u>NIGHTLY</u>	<u>11/18, 11/19, 11/25,</u>
					<u>11/26</u>

All other saltwater and freshwater areas - closed.  
Nightly openings refer to the start date.

**NEW SECTION**

**WAC 220-47-428 Beach seine—Open periods.**  
During 1996, it is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME		DATE(S)
12A	7AM - 7PM	Daily	9/23, 9/24, 9/25, 9/26, 9/27, 9/30, 10/1, 10/2, 10/3, 10/4, 10/7, 10/8, 10/9, 10/10, 10/11

**WSR 96-15-102  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 22, 1996, 12:20 p.m., effective August 1, 1996]

Date of Adoption: July 20, 1996.

Purpose: To amend WAC 232-28-240, to modify bear hunting regulations within the North Cascades so that recreational bear seasons do not conflict with a federal court ruling.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-240.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 96-12-093 on June 5, 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 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Federal court decision.

Effective Date of Rule: August 1, 1996.

July 20, 1996  
Mitchell Johnson, Chairman  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 94-142 [WSR 96-04-027], filed 1/10/95 [2/1/96], effective 2/10/95 [3/3/96])

**WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.**

**DEER**

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, 328, 329, 330, 342, and 450.

**Modern Firearm Deer Seasons**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

PERMANENT

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
<b>Northeastern</b>				
100-124 (See late buck for extended whitetail season).	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only*
<b>Southeastern</b>				
127-185 Except closed in 157	Oct. 15-23	Oct. 14-22	Oct. 12-20	3 pt. min.*
<b>Okanogan &amp; Chelan</b>				
200-209, 239-242	Oct. 15-31	Oct. 14-27	Oct. 12-25	Buck only except 3 pt. min. in GMU 203.
215-233			Oct. 12-20	Buck only except 3 pt. min. in GMU 231
300-316	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except 3 pt. min. in GMU 306
<b>Columbia Basin</b>				
248-278**, 284	Oct. 15-21	Oct. 14-20	Oct. 12-18	Buck only
281	Oct. 15-23	Oct. 14-22	Oct. 12-20	Either sex
<b>Colockum and Central</b>				
334	Oct. 15-25	Oct. 14-25	Oct. 12-25	Buck only
328, 329, 330, 342			Oct. 12-18	3 pt. min.
371			Oct. 12-20	Buck only
335-340, 346-368, 372	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only
<b>Western</b>				
405***-572, 580, 601-684. Closed in GMU 522. Permit only in GMU 485.	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.

PERMANENT

574, 576, 584, 586, 588      Oct. 15-Nov. 6      Oct. 14-Nov. 14      Oct. 12-Nov. 6      2 pt. min.

\*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 105-142.  
 \*\*Except by permit only in that portion of GMU 278 north of O'Sullivan Road and east of Beverly Road.  
 \*\*\*Modern firearm deer hunting on Guemes Island is by permit only.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
105-124	Nov. 1-20	Nov. 1-19	Nov. 1-24	Whitetail buck only
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588	Nov. 17-20	Nov. 16-19	Nov. 21-24	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
100-118, 121, 124, 215, 233, 300, 316	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
127, 130 133	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
136-154, 160-169, 175-185, 231, 306	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min or antlerless
200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340, 352, 356, 364, 371, 372, 405-426, 440, 442, 454-472, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554, 556, 560, 568, 572, 580, 601, 602, 607, 615, 618, 621, 627**, 633, 638, 642-658, 663, 667, 669, 678	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex, except buck only in GMU 371
433, 478, 558, 574, 576, 584, 586, 588, 681	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
328, 329, 330			Sept. 1-14	3 pt. min.

PERMANENT

334, 480	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
203, 301, 302, 450	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
172	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
119, 242, 304, 360, 448, 484, 564, 603, 612, 624, 666, 672, 684	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
636	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
660	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
501, 506	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
Deer Areas 010, 040, 060	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
Bow Area 802	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

\*Except closed in that part of GMU 278 (Wahluke) north of O'Sullivan Road and east of Beverly Road.

\*\* Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt, call Tom Jones at (360) 396-5097. Special Restrictions: Must be U.S. citizen, and hunting is open on weekends only.

Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
103	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Whitetail only, either sex
118, 121, 124	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless
209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
558, 584, 588, 636, 681	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min or antlerless
417, 418, 426, 440, 448, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 669, 678	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
450	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min
Bow Areas	1994 Dates	1995 Dates	1996 Dates	Legal Deer
802	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex

PERMANENT

806, 807	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
820	Dec. 24-Jan. 8, 1995	Dec. 24-Jan. 8, 1996	Dec. 24-Jan. 8, 1997	Either sex

Extended Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 666, 667, 672, and Deer Areas 041 and 042	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
433	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	2 pt. min. or antlerless

\* Submarine Base Bangor within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunting opportunity call Tom James at (206) 396-5097. Special restrictions: U.S. citizenship is required by the Navy.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

Early Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
119, 242, 564, 666	Oct. 1-12	Oct. 1-11	Oct. 1-9	Either sex
506	Oct. 6-12	Oct. 5-11	Oct. 3-9	Buck only
209	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Either sex
302, 368	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Buck only
304, 360, 484, 603, 612, 624, 672	Oct. 1-12	Oct 1-11	Oct. 1-9	Buck only

Late Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
113	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Whitetail only, either sex
130, 133, 136, 139, 181	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	3 pt. min. or antlerless
304	Nov. 12-20	Nov. 11-19	Nov. 10-18	Buck only
410	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
478	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min. or antlerless

PERMANENT

501, 504, 550	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
580	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Buck only
576, 586	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min.
602, 633, 651, 684	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
666	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
<b>Muzzleloader Area</b>				
925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Either sex

**Firearm Restricted Deer Hunts Open To All Deer Hunters**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

PERMANENT

GMUs	Weapon Permitted	1994 Dates	1995 Dates	1996 Dates	Legal Deer
410 & 480	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 17-Dec. 31	Nov. 16-Dec. 31	Nov. 21-Dec. 31	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex
<b>Deer Area</b>					
062**	Archery, shotgun, muzzleloader			Sept. 1-Dec. 31	Either sex

\*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

\*\*Restricted Access: For information call Bill Kaling at (360) 396-5353.

**Private Lands Wildlife Management Opportunities**

**Kapowsin Tree Farm (PLWMA 401 - Champion)**

Hunting Method	1994 Open Season	1995 Open Season	1996 Open Season	Special Restrictions
Archery	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 30-Oct. 11	Sept. 1-13 Sept. 28-Oct. 9	either sex either sex
Modern Firearm General	Oct. 15-31	Oct. 14-31	Oct. 12-27	2 pt. min.
Muzzleloader	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	2 pt. min.

**BLACK BEAR**

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 14, 1994; Oct. 13, 1995; Oct. 11, 1996.

**PURSUIT ONLY SEASON**

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured. Hunters participating in a pursuit only

season for black bear must have a valid hound stamp, and hunting license. A bear tag is not required to pursue black bear during the pursuit only season.

Aug. 1-31, 1994, 1995, and 1996, in GMUs 100-111, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone\*, GMUs 118-124 and GMUs 200 and 206.

**OPEN SEASON**  
**(Bear may be killed.)**  
**Eastern Washington**



Sept. 7-Oct. 31, 1994, Sept. 6-Oct. 31, 1995, Sept. 4-Oct. 31, 1996, EXCEPT Sept. 7-Nov. 6, 1994; Sept. 6-Nov. 5, 1995; Sept. 4-Nov. 10, 1996 in GMUs 145-154, 160-185.

#### Western Washington

Aug. 1-Oct. 31, 1994; Aug. 1-Oct. 31, 1995; Aug. 1-Oct. 31, 1996, EXCEPT Sept. 1-Oct. 31, 1994, Sept. 1-Oct. 31, 1995, and Sept. 1-Oct. 31, 1996, in Bow Area 802 and July 13-Sept. 7 and Sept. 26-Oct. 31 in PLWMA 401. CLOSED in GMUs 485 and 522.

The following regulations apply to the practice of HUNTING BLACK BEAR WITH BAIT.

**Definition of Bait:** A bait shall be defined as any substance placed with the intent of attracting bear.

**Bait Types:** It is unlawful to hunt bear with the aid of any bait other than unprocessed plant and plant parts including fruit, inedible parts of legally obtained food fish, game fish, and game animals; carcasses of legally trapped furbearing animals (hide removed); carcasses of unclassified fish and unclassified wildlife, and parts of domestic livestock carcasses.

Baits may not contain paper, cardboard, plastic, glass, aluminum, tin, steel, or styrofoam, or other packaging materials.

All other baits are illegal.

**Placement of Bait:** Baits for black bear may not be placed in an area until five days prior to the start of that area's established bear harvest season.

A bait may not be placed within fifty yards of any body of water (lake, pond, reservoir, stream, river, and spring), and not within two hundred yards of any road open to vehicular traffic or publicly maintained trail.

A bait may not be placed within one-half mile of any publicly designated administrative site, campground, picnic area, landfill or dump site, and not within one-quarter mile of any permanent residence or seasonal dwelling (except that private landowners may bait on their property within one-quarter mile of their own residence or seasonal dwelling when such baiting does not violate any of the aforementioned distance requirements with adjacent landholders).

**Bait Containers:** Bait must be contained within an excavated pit, or within a confine constructed of materials located at the site. Such containment structures might include, but not be restricted to, log cubbies, rock piles and stumps. Containers may also be used to hold bait, but if used, must be securely fastened (to tree, ground, post, etc.)

Any items used to contain or to fasten bait containment materials such as metal drums, nails, screws, bolts, rope, reinforcing rod, and spikes shall be removed from the area within 48 hours of the close of the bear harvest season. Excavated pits shall be filled and the area returned to pre-baiting condition. Tree stands and materials used to construct and erect tree stands shall be removed within the same 48-hour period (except that tree stands may be left on private property with landowner's permission).

All hunters who hunt bear with bait shall affix their bear tag number at their bear baiting sites in such a manner that it

remains conspicuous and legible for the duration of the bear season.

#### OPEN SEASON

~~(Bear may be killed.)~~

#### Eastern Washington\*

~~Sept. 7 Oct. 31, 1994, Sept. 6 Oct. 31, 1995, Sept. 4 Oct. 31, 1996. except~~

~~Sept. 7 Nov. 6, 1994; Sept. 6 Nov. 5, 1995; Sept. 4 Nov. 10, 1996 in GMUs 145-154, 160-185, except in Walla Walla and Columbia counties, bear season outside of Umatilla National Forest is open to boot hunters only (no hounds or bait may be used to hunt bear).~~

#### BAIT AND/OR HOUND HUNTING CLOSURES AND RESTRICTIONS

##### Selkirk Grizzly Bear Recovery Zone

\* Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone: (Pend Oreille County): Defined as beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 108, 111, or 113, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

##### North Cascades Grizzly Bear Recovery Zone (Zone)

The use of hounds and bait to hunt black bear is prohibited in the North Cascades National Park Complex and in all portions of GMUs 203, 218, 224, 231, 242, 300, 301, 302, 304, 306, 308, 314, 316, 328, 335, 426, 440, and 450. The use of hounds and bait to hunt black bear is also prohibited within those portions of GMUs 215, 233, 239, 417, 418, 433, 448, and 460 that lie within the North Cascades Grizzly Bear Recovery Zone (Okanogan, Chelan, Kittitas, King, Snohomish, Skagit, and Whatcom counties). For the purposes of this regulation, the Zone boundaries are defined as beginning at the junction of the Canadian-Washington border at the Nighthawk Port of Entry. South and East on the Similkameen Road to the Loomis-Oroville Road. South on the Loomis-Oroville Road to the Town of Loomis. South from the Town of Loomis on the Sinlahekin Road to Conconully, South and West on the West Fork (Salmon

Creek) Road to the Okanogan National Forest Boundary. East and South on the Okanogan National Forest Boundary; crossing U.S. Hwy. 20 and South of Loup Loup Summit. Continuing on the Okanogan National Forest boundary South and West to Vinton Road. Vinton Road South and West to Carlton at State Hwy. 153. State Hwy. 153 South and East to Pateros to U.S. Hwy 97. South on U.S. Hwy. 97 to the Okanogan County/Chelan County Line. West on the county line to the exterior boundary of the Wenatchee National Forest. West on the Wenatchee National Forest boundary, crossing Lake Chelan to South Lakeshore Drive. South on South Lakeshore Drive to U.S. Hwy. Alt. 97. South and West on U.S. Hwy. Alt. 97 to its intersection with U.S. Hwys. 2 and 97 at Sunnyslope. South and East on State Hwy. 285 to the Columbia River. South and East along the Columbia River to U.S. Interstate 90 at Vantage. West on U.S. Interstate 90 to the exterior boundary of the Mount Baker Snoqualmie National Forest at Garcia. North on the Mount Baker Snoqualmie National Forest Boundary to U.S. Hwy. 2 at the Skykomish River. U.S. Hwy. 2 west to the Kellog Lake Road. Kellog Lake Road North and West to Sultan Basin Road. Sultan Basin Road North and East to Olney Pass to Williamson Creek Road. North and East on the Williamson Creek Road to the Mount Baker Snoqualmie National Forest Boundary. West and North on the Mount Baker Snoqualmie National Forest Boundary to Pilchuck Mountain. North on the Mount Baker Snoqualmie National Forest Boundary to the South Fork Stilliguamish River. Continuing North on the Mount Baker Snoqualmie National Forest Boundary to Boulder Falls. North and East on Forest Road 2010 to French Creek. North on French Creek to the North Fork Stilliguamish River. West on the North Fork Stilliguamish River to Dicks Creek and the Mount Baker Snoqualmie National Forest Boundary. North on the Mount Baker Snoqualmie National Forest Boundary to Cumberland Creek. Cumberland Creek West and North to the Skagit River. The Skagit River East to Grandy Creek. North and East on Grandy Creek to Baker Lake Road. Baker Lake Road North and East to the Whatcom County/Skagit County Line. West on the Whatcom County/Skagit County Line to the Mount Baker Snoqualmie National Forest Boundary at Howard Creek. West and North on the Mount Baker Snoqualmie National Forest Boundary to the Canadian-Washington border. East on the Canadian-Washington border to the point of origin. (See Washington Atlas and Gazetteer)

Hunters using bait to hunt black bear outside the North Cascades Grizzly Bear Recovery Zone but within GMUs 215, 233, 239, 417, 418, 433, 448, and 460, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

~~Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 108, 111, or 113, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington department of fish and wildlife.~~

~~North Cascades Grizzly Bear Recovery Zone (Special Regulations)~~

~~Hunting black bear with the use or aid of bait is prohibited in wilderness areas of the North Cascades National Park Complex, and in the following National Forest wilderness areas: Mount Baker, Pasayten, Noisy Diablos, Glacier Peak, Lake Chelan Sawtooth, Boulder River, Henry M. Jackson, and Alpine Lakes.~~

~~Hunters using bait north of Interstate 90, and west of U.S. Highway 97 within the external boundaries of the Mount Baker Snoqualmie, Okanogan, and Wenatchee National Forests, and on all lands outside these National Forests within GMUs 215-242, 417, 418, 433, 440, and 448 are required to be an Advanced Hunter Education graduate (AHE), or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.~~

~~Western Washington~~

~~Aug. 1 Oct. 31, 1994; Aug. 1 Oct. 31, 1995; Aug. 1 Oct. 31, 1996, EXCEPT Sept. 1 Oct. 31, 1994, Sept. 1 Oct. 31, 1995, and Sept. 1 Oct. 31, 1996, in Bow Area 802 and July 13-Sept. 7 and Sept. 26 Oct. 31 in PLWMA 401. CLOSED in GMUs 485 and 522.~~

Use of bait and hounds to hunt black bear is prohibited in Walla Walla and Columbia counties outside of the Umatilla National Forest.

Use of hounds is prohibited in GMU 684, and Bow Area 802.

#### TOOTH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

#### REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

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

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

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

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

WSR 96-15-104  
PERMANENT RULES  
DEPARTMENT OF ECOLOGY  
[Filed July 22, 1996, 1:10 p.m.]

Date of Adoption: July 22, 1996.

Purpose: Amendments provide for an expedited appeals process at the Department of Ecology by which the timeli-

ness of permit decision-making (per a project-specific coordinated permit process timeline) can be appealed.

Citation of Existing Rules Affected by this Order: Amending chapter 173-09 WAC.

Statutory Authority for Adoption: RCW 90.60.140 State Environmental Permit Assistance Act.

Adopted under notice filed as WSR 96-11-136 on May 22, 1996, 10:11 a.m.

Changes Other than Editing from Proposed to Adopted Version: Proposed subsection WAC 173-09-040 (3)(e)(iv) is withdrawn from final rule adoption.

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 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 1996  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending Order 95-13, filed 11/30/95, effective 12/31/95)

**WAC 173-09-010 Authority and purpose.** (1) This chapter is promulgated under the authority of chapter 90.60 RCW (Environmental permit assistance).

(2) The purpose of this chapter is to establish rules to implement the state coordinated permit process.

(3) The purpose of the coordinated permit process is to:

(a) Assist individuals, businesses, and public agencies in complying with environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment;

(b) Promote effective dialogue and facilitate the transfer and clarification of technical information, while preventing duplication and minimizing potential conflict between applicable regulatory procedures;

(c) Ensure, where possible, that applicable permit requirements, criteria, and hearings and comment periods are identified, integrated, coordinated, and run concurrently, rather than consecutively;

(d) Promote active coordination of all applicable regulatory and land-use permitting procedures; and

(e) Provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

(4) The coordinated permit process is optional for project proponents and intended to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes. The process is not intended to

replace individual laws, nor diminish the substantive decision-making role of individual jurisdictions. The process is also not intended to limit nor abridge the authority of individual permit agencies to make all decisions on all nonprocedural matters regarding their respective component permits, including but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

(5) This chapter implements the requirements of RCW 90.60.140 and establishes an expedited appeals process pursuant to the state Administrative Procedure Act and the provisions of RCW 34.05.425, 34.05.458, and 34.05.482 through 34.05.494 regarding brief adjudicative proceedings.

**AMENDATORY SECTION** (Amending Order 95-13, filed 11/30/95, effective 12/31/95)

**WAC 173-09-020 Definitions.** The following definitions shall apply throughout this chapter, unless the context clearly requires otherwise:

(1) "Applicant" means any person or entity, including an agency, applying for a permit from a permit agency. For the purposes of this chapter, "applicant," "project applicant," and "project proponent" are synonymous terms.

(2) "Center" means the permit assistance center established in the department by RCW 90.60.030.

(3) "Coordinating permit agency" means the permit agency that is the lead agency for purposes of chapter 43.21C RCW (State Environmental Policy Act (SEPA)), or has the greatest overall jurisdiction over a project as determined under WAC 173-09-030 (coordinated permit process rule).

~~((3))~~ (4) "Department" means the department of ecology.

(5) "Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements as set forth in WAC 197-11-758 (SEPA rules).

~~((4))~~ (6) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

~~((5))~~ (7) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

~~((6))~~ (8) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ (9) "Permit assistance center" or "center" means the center established in the department of ecology by RCW 90.60.030 (Permit assistance center—Duties).

~~((8))~~ (10) "Petitioner" means an applicant, person, or party filing an appeal pursuant to RCW 90.60.140.

(11) "Presiding officer" means the director of the department or any employee of the department designated in writing by the director as presiding officer.

(12) "Project" means a proposed activity, the conduct of which requires permits from one or more permit agencies.

(13) "Service" means posting in the United States mail, properly addressed, postage prepaid; telefacsimile transmission; or personal service. Service by mail is complete upon deposit in the United States mail. Service by telefacsimile transmission is effective only where copies are simultaneously mailed or sent by commercial service delivery company.

(14) "Time limits" mean project-specific permit decision dates set and agreed to by the applicant, the coordinating permit agency, each permit agency, and each participating permit agency, pursuant to RCW 90.60.070.

(15) "Timely action" means an action taken within the time limits, as defined by subsection (14) of this section.

#### NEW SECTION

#### **WAC 173-09-040 Brief adjudicative proceedings—Expedited appeal of coordinated permit process timelines.**

(1) *When will the department use brief adjudicative proceedings?* The department herein adopts by rule the provisions of RCW 34.05.425, 34.05.458, and 34.05.482 through 34.05.494, except where otherwise prohibited by law, for the following: Failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established pursuant to RCW 90.60.070. The department will use brief adjudicative proceedings for this matter where:

- (a) Their use will not violate any provision of law;
- (b) Protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties;
- (c) The matter is entirely within one or more categories for which the department has, by rule, adopted the provisions of RCW 34.05.425, 34.05.458, and 34.05.482 through 34.05.494; and
- (d) The issue and interests involved in the controversy do not warrant use of the procedures of RCW 34.05.413 through 34.05.479.

(2) *Who will preside over brief adjudicative proceedings held by the department?* The director of the department, or any employee of the department designated in writing by the director, may serve as presiding officer over matters which the department has by rule adopted the provisions of RCW 34.05.425, 34.05.458, and 34.05.482 through 34.05.494.

(3) *How are brief adjudicative proceedings conducted at the department?*

(a) What may be appealed? The following may be appealed: Failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established pursuant to RCW 90.60.070.

(b) How is an appeal initiated? Requests for appeal shall:

- (i) Be in writing;
- (ii) Be plainly labeled "request for expedited appeal of coordinated permit process timelines";
- (iii) Specify the factual basis for the appeal and the issue to be adjudicated in the proceeding;
- (iv) Identify the subject project or site;
- (v) Provide the name, mailing address, telephone number, and fax number (if available) of the petitioner and, if known, the applicant (if different from the petitioner);

(vi) Include a statement, followed by the petitioner's signature, that the petitioner has read the request for appeal and believes the contents to be true; and

(vii) Be simultaneously served upon the following parties:

(A) The Washington State Department of Ecology; Permit Assistance Center; PO Box 47600; Olympia, WA 98504-7600;

(B) The coordinating permit agency for the subject project;

(C) The permit agencies and participating permit agencies party to the coordinated permit process timeline agreement established for the subject project or site pursuant to RCW 90.60.070; and

(D) The applicant, if different from the petitioner, for the subject project.

(c) Who may initiate an appeal? A request for appeal may be initiated by a petitioner pursuant to RCW 90.60.140.

(d) When may an appeal be initiated? A request for appeal may be initiated between the period of time when a permit agency or participating permit agency fails to act on the issuance or denial of a permit, as set forth in a coordinated permit process timeline agreement established pursuant to RCW 90.60.070, and when that permit agency or participating permit agency does act.

(e) What happens after the department receives a request for appeal? After the department receives a request for appeal, the presiding officer:

(i) Shall, within seven days following the date of service of the petitioner's request for appeal, serve upon the petitioner and parties identified in (b)(vii) of this subsection a written statement that:

(A) Acknowledges receipt of the petitioner's request for appeal;

(B) Requests submittal of the petitioner's and parties' written views on the matter; and

(C) States that submittal of written views must be made to the presiding officer within fourteen days following the date of service of such request for written views;

(ii) May, within seven days following the date for submittal of written views, either:

(A) Request that the petitioner and the parties submit additional written information within ten days following the date of service of such request for additional written information; or

(B) Require the parties to present their views on the matter in person at a hearing to be held not more than twenty days following the date of service of such requirement for a hearing, unless the date for such a hearing is extended by mutual agreement of the parties; and

(iii) Shall, within ten days following the later of either the date for submittal of written views per (e)(i) of this subsection, or the date for submittal of additional written information per (e)(ii)(A) of this subsection, or the date for a hearing per (e)(ii)(B) of this subsection, serve upon the petitioner and the parties:

(A) A decision on the matter and a brief written statement explaining the reason for that decision; and

(B) A statement that the decision may be appealed to the pollution control hearings board pursuant to RCW 43.21B.110 (1)(f), 43.21B.230, and 43.21B.310(1).

(4) *What happens after a brief adjudicative proceeding decision?* The center shall adopt the findings of the presiding officer, and if necessary implement the provisions of RCW 90.60.140.

(5) *Is there an official record of the proceeding?* The department record of brief adjudicative proceedings shall, at a minimum, consist of:

- (a) The petitioner's request for appeal;
- (b) All documents and written material submitted by the petitioner and parties at the request of the presiding officer;
- (c) Any recording or written transcript made pursuant to a hearing requested and held by the presiding officer;
- (d) All other documentation considered by the presiding officer in deciding the case; and
- (e) All decisions issued in the case.

(6) *Is there a right to appeal a brief adjudicative proceeding decision?* A decision of the presiding officer may be appealed to the pollution control hearings board within thirty days pursuant to RCW 43.21B.110 (1)(f), 43.21B.230, and 43.21B.310(1).

(7) *Do the state's model rules of procedure apply to brief adjudicative proceedings held by the department?* For purposes of this chapter, the model rules of procedure contained in chapter 10-08 WAC are adopted by reference except where they are not consistent with the rules of this chapter.

**WSR 96-15-115**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 96-08—Filed July 23, 1996, 10:56 a.m.]

Date of Adoption: July 19, 1996.

Purpose: To bring current WAC into compliance with statutory revisions enacted by SSB 6267 (1996 legislative session).

Citation of Existing Rules Affected by this Order: Amending chapter 392-320 WAC.

Statutory Authority for Adoption: RCW 28A.415.300.

Adopted under notice filed as WSR 96-12-075 on June 4, 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 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-005 Authority.** The authority for this chapter is RCW (~~(28A.415.250)~~) 28A.415.300 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the administrator internship program.

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-015 Definition—Administrator intern.** As used in this chapter, the term "administrator intern" means a school employee selected for a principal or superintendent certification internship ~~((of at least))~~ for release time not to exceed the equivalent of forty-five school days, as defined in WAC 392-121-033, and who is enrolled in a state board of education approved administrator preparation program, pursuant to chapter 180-78 WAC.

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-025 Definition—**~~((Replacement substitute teacher))~~ **Release time cost.** As used in this chapter, the term "~~((replacement substitute teacher))~~ release time cost" shall mean an amount paid by a school district to ~~((employ a substitute to replace))~~ release an administrator intern completing an administrator certification field experience. The maximum ~~((daily))~~ amount shall ~~((be the estimated state-wide average))~~ not exceed the school district actual daily substitute teacher ~~((cost))~~ rate, to include salary and benefits, ~~((as determined by the superintendent of public instruction))~~ for the equivalent of forty-five student days.

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-040 Administrator intern selection process.** The process for selecting administrator interns shall be as follows:

(1) Any school district employee eligible for this program may apply in writing to the school district superintendent, or his/her designee to be an administrator intern.

(2) Each school district shall determine which applicants meet its internship criteria, provided that applicants must be enrolled in and recommended by a state board of education program approved for principal or superintendent certification.

(3) The school district shall agree to provide each intern ~~((at least forty-five school days of released))~~ release time ~~((;))~~ not to exceed the equivalent of forty-five student days and name a mentor administrator to supervise each intern ~~((and to employ a substitute to replace the intern)).~~

(4) The school district shall send the regional educational service district superintendent the following: School district criteria for intern selection, nominee name, position title, address, college/university in which the nominee is

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enrolled in, intern role (i.e., principal or superintendent), proposed internship site, minority and gender status, the actual, daily (~~replacement~~) substitute teacher (~~cost~~) rate, agreement to comply with state board of education internship standards requirement, the amount of internship funds requested, agreement to comply with administrator internship program rules (chapter 392-320 WAC), mentor administrator name, title and position, and other information requested by the educational service district.

(5) The educational service district internship advisory board shall review the school district intern nominee applications for compliance with the educational service district internship criteria and make recommendations for approval to the educational service district superintendent. ~~((Provided: The interns should reflect the percentage of minorities of the public school student population in the educational service district region, and to the extent practicable, represent an equal number of males and females. If it is not possible to find qualified principal intern candidates reflecting the percentage of minorities of the public school student population of the educational service district, the educational service district shall select those qualified principal intern candidates who meet these criteria and leave the remaining principal intern positions unfilled. If it is not possible to find qualified superintendent candidates reflecting the percentage of minorities of public school student population of the educational service district, the educational service district shall select those qualified superintendent intern candidates who meet these criteria and may fill the remaining superintendent intern positions with qualified candidates without regard to minority or gender status.))~~

(6) The educational service district superintendent shall notify the local district, the respective college or university, and the applicant of their selection status and forward a copy of the information cited in subsection (4) of this section for each selected intern to the superintendent of public instruction.

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-045 Administrator internship allocation.** Internship funds shall be allocated as follows:

(1) ~~((The superintendent of public instruction shall allocate administrator internship funds after the state board of education adopts internship standards in accordance with WAC 392-320-035.~~

~~((2))~~ The superintendent of public instruction shall allocate administrator internship funding to each educational service district based on the percentage of public school students enrolled in each educational service district.

~~((3) The superintendent of public instruction shall annually calculate the estimated state wide average substitute teacher cost to include salary and benefits.~~

~~((4))~~ (2) Prior to allocating funding to a school district, the educational service district may retain sufficient moneys needed to implement the administrator internship program, including costs of the educational service district internship advisory board. The superintendent of public instruction shall determine the maximum dollar amount each educational service district may retain. In accordance with superintendent of public instruction memorandum No. 1-92M, each

educational service district shall retain up to nine percent of their allocation to carry out their internship program responsibilities.

~~((5))~~ (3) By October 1 of each fiscal year, all educational service districts shall report to the superintendent of public instruction the following:

(a) If they will have unspent internship funding (and the amount of such funding) to reallocate to other educational service districts; or

(b) If they need additional internship funding, including the number of interns and the amount requested for each intern.

The superintendent of public instruction shall reallocate such funding among the requesting educational service districts, provided that if the requests exceed the total amount available, the superintendent of public instruction shall divide the amount available proportionately among the educational service districts needing additional funding.

(4) After selecting the interns, the educational service district shall ~~((allocate the administrator internship funding to))~~ reimburse the employing school district based on the actual ~~((replacement substitute teacher cost for forty five days, provided that the allocation shall not exceed the estimated state wide average substitute teacher cost, as determined by the superintendent of public instruction))~~ release time cost.

~~((6))~~ (5) Administrator internship ~~((allocations))~~ reimbursements to each school district ~~((shall be used solely for replacement substitute teacher costs, as defined in WAC 392-320-025))~~ may be used in a variety of ways to accommodate flexible implementation in releasing interns. Participating school districts shall receive allocations for a maximum of forty-five school days. Local districts shall not be reimbursed for other costs associated with implementing this program.

~~((7))~~ (6) Unexpended administrator intern funds shall revert to the state general fund.

**AMENDATORY SECTION** (Amending Order 94-03, filed 3/18/94, effective 4/18/94)

**WAC 392-320-050 Annual report.** The superintendent of public instruction shall prepare an annual report on the administrator internship program based on the following information which shall be provided by each educational service district:

(1) Educational service district criteria for selecting interns.

(2) Data and information for each selected intern cited in WAC 392-320-040(4).

(3) Fiscal report, including allocations to participating districts for ~~((replacement substitute teachers))~~ release time costs.

(4) Composition of educational service district internship advisory board.

(5) Recommendations, if any, for program revisions.

(6) Other information deemed necessary by the superintendent of public instruction.

**WSR 96-15-124**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
 [Filed July 24, 1996, 8:40 a.m.]

Date of Adoption: July 12, 1996.

Purpose: To establish the game play rules and criteria for determining winners of Instant Games Nos. 174 ("\$2 Double Joker"), 175 ("Cash Vault"), 176 ("Amazing 8s"), 177 ("\$2 Jumbo Bucks"), 178 ("Royal Flush"), and 179 ("Crazy Cash"); and to amend chapter 315-06 WAC and WAC 315-11A-162, 315-11A-164, 315-11A-167, and 315-11A-169.

Citation of Existing Rules Affected by this Order: Amending WAC 315-06-120, 315-11A-162, 315-11A-164, 315-11A-167, and 315-11A-169.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 96-12-096 on June 5, 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 7, amended 5, 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.

July 23, 1996

Evelyn P. Yenson  
 Director

**NEW SECTION**

**WAC 315-11A-174 Instant Game Number 174 ("\$2 Double Joker"). (1) Definitions for Instant Game Number 174.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the 14 play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The playfield shall contain two player's hands, labeled "1st Hand" and "2nd Hand," and each hand shall contain seven play spots. Two of the play spots in each of the hands shall be labeled "winning cards," with the remaining five play spots in each of the hands constituting the player's cards.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 174, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JCK
Q	QUE
K	KNG
A	ACE
JKR	JKR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$7.00," "\$8.00," "\$9.00," "\$10.00," "\$20.00," "\$50.00," "\$2,000," and "\$3,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbols appear below the caption of the play symbols labeled "winning cards."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 174, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 50.00	\$FIFTY\$
\$ 2,000	TWOTHOU
\$ 3,000	THRTHOU







(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 174000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 174 constitute the "pack number" which starts at 174000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

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(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 174, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE	
TWO	\$ 2.00	(\$1 AND \$1)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$1 AND \$1 WITH  AND  )
SIX	\$ 6.00	(\$1, \$1, \$1, \$1, \$1 AND \$1; \$3, \$1, \$1 AND \$1)
FTN	\$ 15.00	(\$5, \$2, \$1, \$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$8 AND \$7)
TRY	\$ 30.00	(\$9, \$8, \$2, \$2, \$2, \$2, \$2, \$1, \$1 AND \$1; \$10 AND \$5 WITH  AND  )
SXY	\$ 60.00	(\$20 AND \$10 WITH  AND  )
TRN	\$ 300.00	(\$50, \$50, \$50, \$50, \$50, \$10, \$10, \$10, \$10 AND \$10)




(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.



**(2) Criteria for Instant Game Number 174.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols within a hand matches exactly one of the two play symbols within that hand labeled "winning cards," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 174, the "" play symbol with the caption "JKR" shall always be a winning play symbol, and the bearer of a ticket which has a "" play symbol with the caption "JKR" shall be entitled to the prize shown below the "" play symbol.

(iii) In Instant Game Number 174, the bearer of a ticket that has a "" play symbol with the caption "JKR" in both the "1st Hand" and the "2nd Hand" shall be entitled to a prize which is double the amount of the prizes below the two "" play symbols with the captions "JKR."

(iv) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 174 set forth in subsection (3) of this section, to the confidential

validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 174; and/or

(ii) Vary the number of tickets sold in Instant Game Number 174 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 174.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 174 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the 14 play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning cards" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-175 Instant Game Number 175 ("Cash Vault"). (1) Definitions for Instant Game Number 175.**


(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six play spots shall be labeled "vault numbers."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out,

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in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 175, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
	KEY

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$9.00," "\$10.00," "\$15.00," "\$20.00," "\$60.00," "\$80.00," and "\$1,500." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "vault numbers."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 175, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 20.00	TWY DOL
\$ 60.00	\$\$SIXTY\$
\$ 80.00	\$\$EIGHTY
\$ 1,500	FTNHUND

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 175000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 175 constitute the "pack number" which starts at 175000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 175, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
ONE	\$ 1.00	
THR	\$ 3.00	(\$2 AND \$1; \$1, \$1 AND \$1)
SIX	\$ 6.00	(\$4 AND \$2; \$3, \$1, \$1 AND \$1; \$2, \$2, \$1 AND \$1)
TLV	\$ 12.00	(\$4, \$4, \$2 AND \$2; \$6, \$2, \$2 AND \$2)
EGN	\$ 18.00	(\$9, \$4, \$3 AND \$2; \$10, \$5, \$2 AND \$1)
SXY	\$ 60.00	(\$20, \$20, \$10 AND \$10; \$15, \$15, \$15 AND \$15)
TRN	\$ 300.00	(\$80, \$80, \$80 AND \$60)




(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 175.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly one of the play symbols labeled "vault numbers," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 175, the "" play symbol with the caption "KEY" shall always be a winning play symbol, and the bearer of a ticket which has a "" play symbol with the caption "KEY" shall be entitled to the prize shown below the "" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 175 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 175; and/or

(ii) Vary the number of tickets sold in Instant Game Number 175 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

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**(3) Ticket validation requirements for Instant Game Number 175.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 175 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "vault numbers" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-176 Instant Game Number 176 ("Amazing 8s"). (1) Definitions for Instant Game Number 176.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the eight play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 176, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR

4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN

(c) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(d) Pack-ticket number: The thirteen-digit number of the form 176000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 176 constitute the "pack number" which starts at 176000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(e) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 176, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
EGT	\$ 8.00
SXT	\$ 16.00
THT	\$ 32.00

(f) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 176.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

The bearer of a ticket having play symbols that correspond with the legend (below) shall win the prize listed. Each ticket shall bear a legend which lists each winning set of play symbols and its corresponding prize.

One	8 play symbol -	Win	\$ 1
Two	8 play symbols -	Win	\$ 2
Three	8 play symbols -	Win	\$ 4
Four	8 play symbols -	Win	\$ 8
Five	8 play symbols -	Win	\$ 16
Six	8 play symbols -	Win	\$ 32
Seven	8 play symbols -	Win	\$ 888
Eight	8 play symbols -	Win	\$ 8,888

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

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(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 176 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 176; and/or

(ii) Vary the number of tickets sold in Instant Game Number 176 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 176.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 176 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the eight play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-177 Instant Game Number 177 ("Jumbo Bucks"). (1) Definitions for Instant Game Number 177.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the twelve play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the twelve play spots shall be labeled "serial numbers."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play

symbol caption. For Instant Game Number 177, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	SXT
17	SVT
18	EGN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$8.00," "\$10.00," "\$20.00," "\$30.00," "\$40.00," "\$50.00," "\$100," "\$1,000," "\$2,000," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "serial numbers."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 177, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 30.00	\$THIRTY
\$ 40.00	\$FORTY\$
\$ 50.00	\$FIFTY\$
\$ 100	ONEHUND
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU
\$ 5,000	FIVTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 177000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 177 constitute the "pack number" which starts at 177000001;

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the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 177, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
TWO	\$ 2.00	(\$1 AND \$1)
THR	\$ 3.00	(\$1, \$1 AND \$1)
FIV	\$ 5.00	(\$1, \$1, \$1, \$1 AND \$1; \$3 AND \$2)
TEN	\$ 10.00	(\$1, \$1, \$1, \$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$2, \$1, \$1, \$1 AND \$1)
TWY	\$ 20.00	(\$5, \$2, \$2, \$2, \$2, \$2, \$2, \$2 AND \$1; \$7, \$6, \$2, \$1, \$1, \$1, \$1 AND \$1)
FTY	\$ 50.00	(\$30 AND \$20; \$20, \$10, \$8, \$4, \$2, \$2, \$1, \$1, \$1 AND \$1)
FVH	\$ 500.00	(\$100, \$50, \$50, \$50, \$50, \$50, \$50, \$40, \$40 AND \$20)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 177.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the ten play symbols matches exactly one of the play symbols labeled "serial numbers," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 177 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 177; and/or

(ii) Vary the number of tickets sold in Instant Game Number 177 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 177.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 177 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the twelve play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "serial numbers" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-178 Instant Game Number 178 ("Royal Flush"). (1) Definitions for Instant Game Number 178.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the 10 play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The 10 play spots shall be arranged in two horizontal rows, labeled "Hand 1," and "Hand 2," with five play spots in each row.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play

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symbol caption. For Instant Game Number 178, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
7	SEVEN
8	EIGHT
9	NINE
10	TEN
JACK	JACK
QUEEN	QUEEN
KING	KING
ACE	ACE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$10.00," "\$15.00," "\$24.00," "\$100," "\$300," and "\$3,000." One of these prize symbols appears following each of the horizontal rows.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 178, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 24.00	TTF DOL
\$ 100	ONEHUND
\$ 300	THRHUND
\$ 3,000	THRTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 178000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 178 constitute the "pack number" which starts at 178000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 178, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00 (\$3 AND \$1; \$4)
EGT	\$ 8.00 (\$5 AND \$3; \$6 AND \$2)
TLV	\$ 12.00 (\$7 AND \$5; \$6 AND \$6)
TWY	\$ 20.00 (\$10 AND \$10; \$15 AND \$5)
FTE	\$ 48.00 (\$24 AND \$24)
FRH	\$ 400.00 (\$300 AND \$100)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 178.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any three of the five play symbols in one hand (horizontal row) match exactly, the matching play symbols shall be winning play symbols, and the bearer of the ticket shall win the prize following that hand (horizontal row).

(ii) In Instant Game Number 178, the bearer of a ticket containing the "2", "3", "4", "5", and "6" play symbols, in any order within one hand (horizontal row), shall win the prize following that hand (horizontal row).

(iii) The bearer of a ticket which has more than one set of winning play symbols shall win the total of the prizes following the hands (horizontal rows).

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 178 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 178; and/or

(ii) Vary the number of tickets sold in Instant Game Number 178 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 178.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 178 all of the following validation requirements apply:

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- (i) Exactly one play symbol must appear in each of the 10 play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vi) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-179 Instant Game Number 179 ("Crazy Cash"). (1) Definitions for Instant Game Number 179.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 179, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

13	THN
14	FRN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$6.00," "\$7.00," "\$8.00," "\$9.00," "\$11.00," "\$16.00," "\$17.00," "\$30.00," "\$40.00," and "\$1,396." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 179, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 11.00	ELV DOL
\$ 16.00	SXT DOL
\$ 17.00	SVT DOL
\$ 30.00	\$THIRTY
\$ 40.00	\$FORTY\$
\$ 1,396	THNTYSX

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 179000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 179 constitute the "pack number" which starts at 179000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 179, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$2; \$1 AND \$1)
FOR	\$ 4.00 (\$3 AND \$1; \$1, \$1, \$1 AND \$1)
NIN	\$ 9.00 (\$5, \$2, \$1 AND \$1; \$3, \$3 AND \$3)

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SVT	\$ 17.00	(\$9, \$6, \$1 AND \$1; \$8, \$7 AND \$2)
THT	\$ 32.00	(\$17, \$11, \$2 AND \$2; \$16 AND \$16)
OHF	\$ 150.00	(\$40, \$40, \$40 AND \$30)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 179.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 179 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 179; and/or

(ii) Vary the number of tickets sold in Instant Game Number 179 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 179.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 179 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 94-19-062, filed 9/20/94, effective 10/21/94)

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: *Provided*, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) ~~((Prohibit assignment of any right or interest in the claimant and its assets;~~

~~(b))~~ Prohibit deletion, amendment, or addition of terms without the director's approval;

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~~((e))~~ (b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

~~((d))~~ (c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

~~((e))~~ (d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of the entire remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2). No voluntary assignment is effective unless and until the national office of the Federal Internal Revenue Service provides a ruling that the voluntary

assignment of prizes will not affect the federal income tax treatment of prize winners who do not assign their prizes.

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.



**NEW SECTION**

**WAC 315-06-123 Voluntary assignment of prize pursuant to an appropriate judicial order.** (1) In the case of a voluntary assignment of a right to a prize pursuant to an appropriate judicial order, the director shall make payment to the person designated by a certified copy of the order which has been served upon the director personally or by certified mail provided that the order contains, in addition to the requirements set forth in RCW 67.70.100(2), the following provisions:

(a) The assignor's name. For an initial assignment, the winner's name as it appears on the prize claim form;

(b) The assignee's name;

(c) The citizenship or resident alien number of the assignee (if a natural person).

(2) The certified copy of the order must be served on the director at least twelve working days prior to the annual payment date to allow for a change in the payee. The director shall not be liable for failure to pay an annual payment to an assignee if service of the order and presentation of the required information for tax withholding purposes described in subsection (3) of this section is not timely made.

(3) Payment shall be made payable to the name of the assignee designated in the judicial order and to no other name and federal income tax withholding shall be deducted from each payment and reported to the Internal Revenue Service. The assignee shall provide its Social Security number, if a natural person, or tax identification number, if a legal entity, to the director at the time the judicial order is served for the purpose of reporting tax withholding to the Internal Revenue Service and for the purpose of applying the debt collection process as described in subsection (5) of this section.

(4) The director shall charge actual costs for each assignment and such costs shall be deducted from the initial annuity payment made to the assignee. In determining actual costs the director shall consider the following expenses:

(a) Staff time required to determine the sufficiency of the judicial order and to process the initial payment;

(b) Telegraphic and long distance telephone communications, photocopying, at the rate of ten cents per page, postage, and private delivery service;

(c) Legal services directly related to determining the sufficiency of the judicial order and processing of the initial payment, including legal services and costs associated with any legal proceeding in which the agency is represented by the office of the attorney general.

(5) The debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to all payments made to any person pursuant to a voluntary assignment. The term person shall have the same meaning as the definition set forth in WAC 315-02-180.

**AMENDATORY SECTION** (Amending WSR 96-07-015, filed 3/12/96, effective 4/12/96)

**WAC 315-11A-162 Instant Game Number 162 ("Double ((Dollars)) Up").** (1) **Definitions for Instant Game Number 162.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. Two playfields shall appear on the

front of each ticket labeled "Game 1" and "Game 2." Each playfield shall be covered by latex and shall contain seven play spots. One play symbol shall appear in each of the play spots. One of the play spots in each of the two playfields shall be labeled "winning number." Each ticket shall also have a "bonus box" which shall be covered by latex and which shall apply to both playfields.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 162, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
<del>16</del>	DBL
<b>TRY AGAIN</b>	TRY

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$8.00," "\$10.00," "\$12.00," "\$20.00," "\$40.00," "\$50.00," and "\$2,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number" and "bonus box."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 162, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL

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\$ 40.00      \$FORTY\$  
 \$ 50.00      \$FIFTY\$  
 \$ 2,000      TWOTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 162000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 162 constitute the "pack number" which starts at 162000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 162, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE	
TWO	\$ 2.00	(\$1 AND \$1)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$2 AND \$\$)
EGT	\$ 8.00	(\$3, \$2, \$1, \$1 AND \$1; \$3, \$1 AND \$\$)
TLV	\$ 12.00	(\$6, \$2, \$1, \$1, \$1 AND \$1; \$3, \$2, \$1 AND \$\$)
TTF	\$ 24.00	(\$4, \$4, \$4, \$4, \$4 AND \$4; \$5, \$4, \$3 AND \$\$)
ETY	\$ 80.00	(\$20, \$20, \$20, \$10 AND \$10; \$12, \$10, \$8, \$6, \$4 AND \$\$)
TFR	\$ 240.00	(\$40, \$40, \$40, \$40, \$40 AND \$40; \$50, \$40, \$20, \$7, \$3 AND \$\$)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 162.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the six play symbols within a playfield matches exactly the play symbol within that same playfield labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(iii) In Instant Game Number 162, the bearer of a ticket which has a "DBL" play symbol with the caption "DBL" in the bonus box shall be entitled to a prize which is double the amount of the prize(s) below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 162 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 162; and/or

(ii) Vary the number of tickets sold in Instant Game Number 162 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 162.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 162 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the fifteen play spots on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" and "bonus box" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

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**AMENDATORY SECTION** (Amending WSR 96-07-015, filed 3/12/96, effective 4/12/96)

**WAC 315-11A-164 Instant Game Number 164 ("Blackjack"). (1) Definitions for Instant Game Number 164.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the ten play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. The ten play spots shall be arranged in five pairs of two spots each, labeled "Dealer's Hand," "Hand 1," "Hand 2," "Hand 3," and "Hand 4."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 164, the captions which correspond with and verify the play symbols are:

<u>((PLAY SYMBOL</u>	<u>— CAPTION</u>
	<u>TWO</u>
	<u>THR</u>
	<u>FOR</u>
	<u>FIV</u>
	<u>SIX</u>
	<u>SVN</u>
	<u>EGT</u>
	<u>NIN</u>
	<u>TEN</u>
	<u>JCK</u>

	<u>QUE</u>
	<u>KNG</u>
	<u>ACE</u>

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$7.00," "~~\$8.00~~," "\$10.00," "\$20.00," "\$40.00," "\$70.00," and "~~(\$700.00)~~ \$700." One of these prize symbols appears (~~below~~) following each of the pairs, except that no prize symbol appears below the pair labeled "Dealer's Hand."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 164, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ <u>8.00</u>	<u>EGT DOL</u>
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 70.00	\$SVNTY\$
<del>(\$ 700.00)</del>	
\$ <u>700</u>	SVNHUND

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 164000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 164 constitute the "pack number" which starts at 164000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 164, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1((=)); \$2, \$1 AND \$1)
SVN	\$ 7.00 (\$3, \$2, \$1 AND \$1; \$4, \$2 AND \$1)

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TTN	\$ 21.00	(\$7, \$7 AND \$7; \$8, \$7, \$5 AND \$1)
SVY	\$ 70.00	(\$20, \$20, \$20 AND \$10)
THF	\$ 250.00	(\$70, \$70, \$70 AND \$40)













(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 164.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the sum of the two play symbols appearing within one of the player's hands is a number higher than the sum of the two play symbols labeled "Dealer's Hand," the play symbols in that player's hand shall be winning play symbols and the bearer of the ticket shall win the prize (**(below)**) following the winning play symbols.

(ii) In determining the sum of the two play symbols in each pair, play symbols (( " " ") " " ") " " ") " " ") shall have a value of 10; (( " ") " ") shall have a value of 11; and all other symbols shall have their face value.

(iii) The bearer of a ticket which has more than one pair of winning play symbols shall win the total of the prizes listed below all winning play symbols.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 164 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 164; and/or

(ii) Vary the number of tickets sold in Instant Game Number 164 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 164.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 164 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the ten play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font

Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 96-07-015, filed 3/12/96, effective 4/12/96)

**WAC 315-11A-167 Instant Game Number 167 ("100 Grands"). (1) Definitions for Instant Game Number 167.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 167, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$9.00," "\$10.00," "\$12.00," "\$20.00," and "\$200." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 167, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL

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\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 200	TWOHUND

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 167000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 167 constitute the "pack number" which starts at 167000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 167, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$1, \$1 AND \$1; \$4, \$3, \$1 AND \$1)
EGN	\$ 18.00 (\$5, \$5, \$3, \$3 AND \$2; \$9, \$3, \$2, \$2 AND \$2)
SXY	\$ 60.00 (\$20, \$10, \$10, \$10 AND \$10; \$12, \$12, \$12, \$12 AND \$12)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 167.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 167 set

forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 167; and/or

(ii) Vary the number of tickets sold in Instant Game Number 167 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 167.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 167 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 96-11-107, filed 5/20/96, effective 5/21/96 [6/20/06])

**WAC 315-11A-169 Instant Game Number 169 ("Aces High"). (1) Definitions for Instant Game Number 169.**

(a) Play symbols. The play symbols are listed below in (b) of this subsection. One of the play symbols appears in each of the four play spots in the "your card" column and in each of the four play spots in the "dealer's card" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and corre-

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spond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. ~~((The number 1, 2, 3, or 4 precedes each play symbol caption to indicate the location of the play symbol in Game (row) 1, Game 2, Game 3, or Game 4.))~~ The three-digit ticket number shall appear before each play symbol. For Instant Game Number 169, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JCK
Q	QUE
K	KNG
A	ACE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$8.00," "\$10.00," "\$12.00," "\$60.00," "\$500," "\$1,000," and "\$2,000." One of these prize symbols appears for each game in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. ~~((The number 1, 2, 3, or 4 precedes each prize symbol caption to indicate the location of the prize symbol in Game (row) 1, Game 2, Game 3, or Game 4.))~~ For Instant Game Number 169, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 60.00	\$SIXTY\$
\$ 500	FIVHUND
\$ 1,000	ONETHOU
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The thirteen-digit number of the form 169000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 169 constitute the "pack number" which starts at 169000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 and less. For Instant Game Number 169, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
EGT	\$ 8.00 (\$4, \$3 AND \$1; \$4, \$2, \$1 AND \$1)
SXT	\$ 16.00 (\$8, \$4, \$2 AND \$2; \$4, \$4, \$4 AND \$4)
TTF	\$ 24.00 (\$8, \$8 AND \$8; \$10, \$10, \$2 AND \$2)
FTE	\$ 48.00 (\$12, \$12, \$12 AND \$12)
TFR	\$ 240.00 (\$60, \$60, \$60 AND \$60)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 169.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your card" column that is superior to the play symbol in the "dealer's card" column in the same game shall win the prize shown in the prize column for that game. The bearer of a ticket which wins a prize in more than one game shall win the sum of the prizes in each winning game. Play symbols in different games may not be combined to win a prize.

(c) For purposes of this game, the "A" shall be the play symbol with the highest superiority followed by "K," "Q," "J," "10," "9," "8," "7," "6," "5," and "4" in that order.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 169 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 169; and/or

(ii) Vary the number of tickets sold in Instant Game Number 169 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 169.**

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(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 169 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the four play spots in the "your card" column and in each of the four play spots in the "dealer's card" column under the latex covering on the front of the ticket.

(ii) Each of the eight play symbols must have a caption below and each must agree with its caption.

(iii) Exactly one prize symbol for each of the four games must appear under the latex covering in the prize column on the front of the ticket.

(iv) Each of the four prize symbols must have a caption below it and each must agree with its caption.

(v) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(vi) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(vii) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section; each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section; and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and (a) of this subsection is invalid and ineligible for any prize.

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

**WSR 96-15-139**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed July 24, 1996, 11:59 a.m.]

Date of Adoption: July 24, 1996.

Purpose: To establish a procedure for the Hop Commission board to grant credit against assessments or refund payment to growers for individual marketing efforts. A credit or refund will require proof of expenditures associated with eligible promotion activities.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-010.

Statutory Authority for Adoption: RCW 15.65.050 and 15.65.430.

Adopted under notice filed as WSR 96-05-086 on February 21, 1996.

Changes Other than Editing from Proposed to Adopted Version: (1) The words "certified auditor" in WAC 16-532-0410 was changed to "certified public accountant" and references to auditor were changed to accountant; and (2) The term "hosting international customers" in WAC 16-532-0406(2) was further defined for clarification.

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 7, 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 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 7, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
July 24, 1996  
Jim Jesernig  
Director

**AMENDATORY SECTION** (Amending WSR 92-09-068, filed 4/14/92, effective 5/15/92)

**WAC 16-532-010 Definitions.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Marketing season" ((or "~~fiscal year~~") means the twelve month period beginning with ((~~July~~) January 1 of any year and ending ((~~with the last day of June~~) December 31, both dates being inclusive.

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(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

(15) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(16) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(17) "Affiliate" as used in these rules, means a corporation, limited liability company, partnership, or other entity in common ownership with a producer or producer-handler.

#### NEW SECTION

**WAC 16-532-0402 Credit for market promotion activities.** (1) As provided in this chapter, a producer, as defined in WAC 16-532-010(5), may receive credit against his annual assessment for eligible promotional activities. Credit will be granted either in the form of a refund payment from the board, or, if eligible promotional activities are conducted, documented and approved by the board prior to the assessment due date, as an offset to the annual assessment. Credit shall be granted in an amount up to sixty-six and two-thirds percent of a producer's documented expenditures for eligible promotional activities. However, in no case shall credit be granted in excess of that portion of the producer's annual assessment from his own production designated for marketing or promotion, including paid advertising.

(2) The portion of the annual assessment for which credit may be received is due and payable as otherwise provided in this chapter unless a producer conducts and documents promotional activities prior to the date assessments are due as provided in subsection (1) of this section. A producer's annual assessment will be reduced according to the amount of proven promotional activities approved by the board as provided in this chapter.

(3) The board shall grant credit for eligible activities only to the producer, or an affiliate thereof as defined in WAC 16-532-020(17), who performs the activities and who files a claim for credit as provided in this section.

(4) The board shall grant credit only for eligible promotional activities that are conducted and completed during the marketing season for which credit is requested. The marketing season is defined as January 1 through December 31 of the year in which the crop is harvested.

#### NEW SECTION

**WAC 16-532-0404 General requirements for credit.** The following requirements apply to credit granted for all promotional activities:

(1) A primary purpose of each activity shall be to promote the sale, consumption, or use of USA produced hops.

(2) Credit shall not be granted for advertising in publications that target the farming or producer trade.

#### NEW SECTION

**WAC 16-532-0406 Eligible activities.** Credit shall be granted for the following eligible activities:

(1) Paid advertising directed to end-users, trade or industrial users. Credit shall be granted for money spent on paid advertising space or time including, but not limited to, newspapers, magazines, and broadcast media, including agency commission.

(2) Travel expenses incurred for hosting international customers, as defined in WAC 16-532-010(16), on visits to the U.S. hop industry. Credit shall not be granted for any other travel expenses.

(3) Other market promotion activities. Credit shall be granted for other market promotion activities as follows:

(a) Development and printing costs for promotional material;

(b) Sales and marketing presentation kits;

(c) Trade fairs and exhibits;

(d) Trade seminars; and

(e) Other activities deemed acceptable to the board that meet the purpose stated in WAC 16-532-0404(1).

#### NEW SECTION

**WAC 16-532-0408 No duplication of credit.** Credit shall be granted for eligible promotional activities only if the producer certifies in writing that he/she was not and will not be reimbursed for the same activity by the Foreign Agricultural Service, United States Department of Agriculture (FAS) or by any other federal or state program.

#### NEW SECTION

**WAC 16-532-0410 Filing of claims.** To obtain credit against the promotional assessment paid on his/her own production for promotional expenditures, a producer must file a claim with the board, which must include the documentation set forth in either subsection (1) or (2) of this section.

(1) To obtain credit under this subsection, the claim filed must include:

(a) A description of the activity and when and where it was conducted, including a statement of how this activity promoted USA hops;

(b) Copies of all invoices from suppliers or agencies;

(c) Copies of all canceled checks issued by the producer in payment of these invoices; and

(d) An actual sample, picture or other evidence of the activity.

The board shall grant credit for expenditures claimed under this subsection in accordance with the WAC 16-532-0404 and 16-532-0406.



(2)(a) To obtain credit under this subsection, the claim filed must include a certificate prepared by a certified public accountant stating that he/she has examined the producer's records for the current marketing season and has determined that expenditures eligible for credit under these rules equal or exceed the credit requested by the producer. In accordance with WAC 16-532-0404 and 16-532-0406, the board shall grant credit for expenditures certified by the producer's accountant unless an accountant appointed by the board under (b) of this subsection disputes the claim.

(b) If a producer submits an accountant's certificate under (a) of this subsection, the board may appoint its own certified public accountant to examine the producer's records to verify the claimed expenditures. Any information provided by the producer to the board's accountant shall not be disclosed to the board or any other person without the producer's written consent. In the event that the board's accountant disputes the eligibility of the producer's claimed expenditures, the producer may submit his/her records directly to the board for review or may withdraw his/her claim for credit to the extent of the dispute. The board shall promptly review any further materials provided by the producer and determine whether credit or a refund will be granted.

#### NEW SECTION

**WAC 16-532-0412 Time for filing and determinations.** Preliminary claims must be submitted by the last day of the marketing season, subject to final documentation within sixty days. No claims may be submitted retroactively after said marketing season has ended. A producer may receive credit against his/her annual assessment if he/she submits the required documentation for an eligible activity and obtains board approval prior to the date the assessment is due. In all other instances, a producer must remit the full annual assessment to the board when it is due, and a refund payment will be issued following receipt of the required documentation and approval by the board. The board shall promptly notify a producer if a dispute exists as to eligibility of claimed expenditures. Unless a dispute exists, the board shall issue credits or refunds within sixty days after receiving final documentation of eligible expenditures from a producer.

#### NEW SECTION

**WAC 16-532-0414 Appeals.** (1) In the event that board staff determines that a particular promotional activity is not eligible for credit because it does not meet the criteria specified herein, or for any other reason, the board shall review the staff's decision if the affected producer so requests.

(2) The board's denial in whole or in part of a producer's claim constitutes an agency action under chapter 34.05 RCW, the Administrative Procedure Act.



**WSR 96-15-014  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-91—Filed July 8, 1996, 2:15 p.m.]

Date of Adoption: July 2, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-31000L; and amending WAC 220-56-310.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The regulation is needed to ensure conservation of crawfish populations by providing protection from overharvest by recreational fishers.

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 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.

July 2, 1996  
Bruce Crawford  
for Bernard Shanks  
Director

NEW SECTION

**WAC 220-56-31000M Shellfish — Daily limits** Notwithstanding the provisions of WAC 220-56-310, effective immediately until further notice:

(1) In the waters of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties:

(a) Only crawfish which measure 3 1/4 inches or greater from the tip of rostrum (nose) to the tip of the tail may be retained.

(b) Female crawfish with eggs or young attached to the abdomen must be released. In these waters, fishers must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-56-31000L Shellfish — Daily limits 96-87

**WSR 96-15-015  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-90—Filed July 8, 1996, 2:18 p.m.]

Date of Adoption: July 2, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-06000A; and amending WAC 220-52-060.

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: This emergency regulation is required to maintain compliance with court order *United States v. Washington*, Case No. 9213.

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 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.

July 2, 1996  
Bruce Crawford  
for Bernard Shanks  
Director

NEW SECTION

**WAC 220-52-06000B Crawfish fishery** Notwithstanding the provisions of WAC 220-52-060, effective immediately until further notice it is unlawful to harvest crawfish for commercial purposes in the following counties:

- (a) Clallam County
- (b) Island County
- (c) Jefferson County
- (d) King County
- (e) Mason County

- (f) Pierce County
- (g) San Juan County
- (h) Skagit County
- (i) Snohomish County
- (j) Thurston County
- (k) Whatcom County
- (l) Kitsap County

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

### REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-52-06000A      Crawfish fishery 96-34

**WSR 96-15-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-92—Filed July 11, 1996, 11:50 a.m.]

Date of Adoption: July 10, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-08000E; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvest management plan for joint management of Puget Sound (excluding Hood Canal) Pandallid shrimp under Subproceeding 89-3 of *United States v. Washington* provides for regional harvest shares. The non-Indian shrimp beam trawl fishery harvest shares for Marine Fish/Shellfish Catch Areas 20B, 22A, and 25A are projected to be reached by July 15, 1996. These rules are necessary to ensure that harvest shares are not exceeded.

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 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.

July 10, 1996  
 Bruce Crawford  
 Deputy  
 for Bernard Shanks  
 Director

### NEW SECTION

**WAC 220-88A-08000F Emerging commercial fishery - Puget Sound trawl experimental fishery - Seasons and gear** Notwithstanding the provisions of WAC 220-88A-080, effective 11:59 p.m. July 14, 1996 until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) Areas 23C, 23D, 25B, and 29 open until further notice.

(2) The waters of 20A are open from July 16, 1996, until further notice.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 14, 1996:

WAC 220-88A-08000E      Emerging commercial fishery - Puget Sound shrimp trawl experimental fishery - Season and gear. (96-85).

**WSR 96-15-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-93—Filed July 11, 1996, 11:54 a.m.]

Date of Adoption: July 11, 1996.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57A-175.

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: Projected run size indicates that harvestable numbers of sockeye salmon are available and there is a non-Indian share available. This regulation will provide recreational opportunity, comply with federal court orders concerning resource sharing, and conserve the resource. An evaluation of the harvest will be conducted after the initial three days of fishing to determine the potential for additional openings.

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 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.

July 11, 1996

Bern Shanks

Director

### NEW SECTION

**WAC 220-57A-17500A Lake Washington** Notwithstanding the provisions of WAC 220-57A-175, effective July 13, 1996 it is unlawful to take, fish for, and possess salmon from the waters of Lake Washington except as provided for in this section:

(1) Open in Lake Washington south of the Evergreen Point Floating Bridge (Highway 520) except:

(a) Waters within 100 yards southerly of the Evergreen Point Floating Bridge (Highway 520) are closed.

(b) Waters within 100 yards of the I-90 Bridge are closed.

(c) Waters within a 1000 foot radius of the mouth of the Cedar River are closed.

(2) Daily limit is one sockeye salmon not less than 15 inches in length. All chinook salmon must be released immediately.

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

### REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset July 15, 1996:

WAC 220-57A-17500A Lake Washington

**WSR 96-15-046**  
**EMERGENCY RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed July 12, 1996, 10:15 a.m.]

Date of Adoption: July 11, 1996.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-025, 356-18-050, and 356-18-112.

Statutory Authority for Adoption: RCW 41.06.150.

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: Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compliance with 1996 legislative changes. These modifications are needed to administer those changes.

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 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Immediately.

July 12, 1996

Dennis Karras

Secretary

**AMENDATORY SECTION** (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

**WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing.** (1) An employee may select one workday as a personal holiday each calendar year provided:

(a) The employee has been continuously employed by the state for more than four months, or is scheduled to be continuously employed by the state for more than four months, and

(b) The employee who is scheduled to work less than six continuous months over a period covering two calendar years shall receive only one personal holiday during this period.

(2) The agency shall release the employee from work on the day selected as the personal holiday provided:

(a) The employee has given not less than fourteen calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(b) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(3) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except that the entitlement shall carry over to the following year when an otherwise qualified employee has requested a personal holiday and the request has been denied.

(4) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity.

(5) Part-time employees who were employed during the month in which the personal holiday is taken will be compensated for the personal holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

(6) A personal holiday for full-time employees shall be equivalent to their workshift on that day.

(7) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 356-18-112.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsections (1), (2) and (3) of this section.

(b) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 89-15-028 (Order 325), filed 7/14/89, effective 8/14/89)

**WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.** (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Full-time employees shall be credited monthly with eight hours of sick leave under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year,

may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.

**AMENDATORY SECTION** (Amending WSR 96-11-058, filed 5/10/96, effective 6/6/96)

**WAC 356-18-112 Shared leave.** (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday.

(i) That portion of a personal holiday that is accrued, donated as shared leave and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(ii) An employee shall be allowed to split the personal holiday only when donating to the shared leave program.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) Nine months or 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extend-

ed by the director per WAC 356-30-065(4), 356-30-067(6), and 356-30-140(6).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**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 96-15-047

#### EMERGENCY RULES

#### PERSONNEL RESOURCES BOARD

[Filed July 12, 1996, 10:17 a.m.]

Date of Adoption: July 11, 1996.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

Citation of Existing Rules Affected by this Order: Amending WAC 251-22-045, 251-22-124, 251-22-260, 251-22-280, and 251-22-290.

Statutory Authority for Adoption: RCW 41.06.150.

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: Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compliance with 1996 legislative changes. These modifications are needed to administer those changes.

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 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, 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: Immediately.

July 12, 1996

Dennis Karras

Secretary

**AMENDATORY SECTION** (Amending WSR 87-02-036 (Order 154), filed 1/2/87, effective 2/1/87)

**WAC 251-22-045 Personal holiday.** (1) Each employee may select one personal holiday each calendar year, as indicated in WAC 251-22-040(10) and the institution/related board must grant the day, provided:

(a) The employee has been continuously employed by the institution for more than four months.

(b) The employee has given not less than fourteen calendar days written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

(c) The number of employees selecting a particular day off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when denied under (1)(c) above.

(3) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay for the personal holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(4) Part-time classified employees shall be entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

(5) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 251-22-250 and WAC 251-22-280.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsection (1) and (2) of this section.

(b) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 79-10-055 (Order 80), filed 9/1/79 [9/17/79])

**WAC 251-22-124 Sick leave—Compensation for.** (1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.

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

**AMENDATORY SECTION** (Amending WSR 89-22-019, filed 10/24/89, effective 12/1/89)

**WAC 251-22-260 Shared leave receipt.** An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:

(1) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and

(2) The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and

(3) The employee's absence and the use of shared leave are justified; and



~~(4) ((The employee is not eligible for time loss compensation under chapter 51.32 RCW. If a time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any excess moneys received to the agency/institution. The employee is required to file a workers' compensation claim only in the event he or she is requesting shared leave due to a condition caused by an industrial injury or occupational disease)) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW; and~~

(5) The employee has abided by agency/institution policy regarding the use of sick leave.

**AMENDATORY SECTION** (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-280 Leave donation.** An employee may donate annual leave, sick leave, or personal holiday to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(a) The full-time employee's request to donate leave will not cause his/her annual leave balance to fall below ~~((ten days))~~ eighty hours. For part-time employees, requirements for annual leave balances will be prorated; and

(b) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(2) The employee's agency/institution head approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave; and

(a) The employee's request to donate leave will not cause his/her sick leave balance to fall below four hundred eighty hours after the transfer; and

(b) In no event will a donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(3) The employee's agency/institution head approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

(a) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

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 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-290 Shared leave administration.** (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave.

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned shall be prorated back based on the donor's original donation.

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

(8) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**WSR 96-15-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-94—Filed July 12, 1996, 1:56 p.m.]

Date of Adoption: July 12, 1996.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-06000B.

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: This regulation is required to reopen the commercial crawfish fishery consistent with *United States v. Washington* No. 9213.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 12, 1996  
Bern Shanks  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-52-06000B Crawfish fishery - (96-90)

**WSR 96-15-055  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Filed July 15, 1996, 4:42 p.m., effective July 16, 1996, 12:01 a.m.]

Date of Adoption: July 15, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000L and 220-56-38000F; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to conserve the resource and to provide maximum recreational harvest opportunity. These regulations implement proposed permanent regulations until permanent regulations become effective.

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 0, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 16, 1996, 12:01 a.m.

July 15, 1996  
Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-35000M Clams other than razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following tidelands during the closed periods herein, and lawful to harvest during the open periods herein.

(1) Birch Bay - **Open** July 16, 1996 until further notice.

(2) Dosewallips State Park - **Open** July 16, 1996 until further notice.

(3) DNR 48 - **Open** July 16, 1996 until further notice.

(4) North Sequim Bay State Park - (from the boat launch north to the park boundary) **Closed** immediately until further notice.

(5) Penn Cove - (at the head of Penn Cove starting at the north end of Coveland extending south to a bulkhead 200 feet south of Mueller Park) - **Open** July 16, 1996 until further notice.

(6) Potlatch (DNR Tidelands) - **Open** July 16, 1996 until further notice.

(7) Potlatch State Park - **Open** July 16, 1996 until further notice.

(8) Samish Recreational Area - **Closed** immediately until further notice.

(9) Shine Tidelands State Park - **Open** July 16, 1996 until further notice.

(10) South Indian Island County Park - **Open** July 16, 1996 until further notice.

(11) Useless Bay Tidelands State Park - **Open** July 16, 1996 until further notice.

(12) **WINAS** Maylor Point East - (on the west shore of Crescent Harbor starting at Maylor Point extending northeast to the boat ramps in *front of* the Whidbey Island Naval Air Station) - **Open** July 16, 1996 until further notice.

**NEW SECTION**

**WAC 220-56-38000G Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective 12:01 a.m. July 16, 1996 until further notice:

(1) Seal Rock Forest Service Camp - **Open** until further notice.

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**REPEALER**

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. July 16, 1996:

- WAC 220-56-35000L Clams other than razor clams—  
Areas and seasons. (96-32)  
WAC 220-56-38000F Oysters—Areas and seasons.  
(96-32)

**WSR 96-15-068  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-96—Filed July 17, 1996, 4:22 p.m., effective July 19, 1996]

Date of Adoption: July 17, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-57A-17500B; and amending WAC 220-57A-175.

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: Projected run size indicate that harvestable numbers of sockeye salmon are available and there is a non-Indian share available. This regulation will provide recreational opportunity, comply with federal court orders concerning resource sharing, and conserve the resource.

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: July 19, 1996.

July 17, 1996  
Bern Shanks  
Director

**NEW SECTION**

**WAC 220-57A-17500B Lake Washington.** Notwithstanding the provisions of WAC 220-57A-175, effective July 19, 1996 it is unlawful to take, fish for or possess salmon

from the waters of Lake Washington except as provided for in this section:

(1) Open in Lake Washington south of the Evergreen Point Floating Bridge (Highway 520) except:

(a) Waters within 100 yards southerly of the Evergreen Point Floating Bridge (Highway 520) are closed.

(b) Waters within 100 yards of the I-90 Bridge are closed.

(c) Waters within a 1000 feet radius of the mouth of the Cedar River are closed.

(2) Daily limit is two sockeye salmon not less than 15 inches in length. All chinook salmon must be released immediately.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective one hour after official sunset July 22, 1996:

WAC 220-57A-17500B Lake Washington.

**WSR 96-15-076  
EMERGENCY RULES  
OFFICE OF  
FINANCIAL MANAGEMENT  
[Filed July 18, 1996, 11:22 a.m.]**

Date of Adoption: July 18, 1996.

Purpose: 1996 legislation (3SHB 1381) has expanded the shared leave program by adding the ability to donate sick leave and personal holidays to other state employees.

Citation of Existing Rules Affected by this Order:  
Amending WAC 82-54-010.

Statutory Authority for Adoption: RCW 41.04.650 through 41.04.670.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To update WAC 82-54-010 to reflect 1996 legislation effective June 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 1, 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.

July 18, 1996  
G. Dewey Harris, III  
Assistant Director

July 16, 1996  
Evelyn P. Yenson  
Director

AMENDATORY SECTION (Amending Order 89-69, filed 8/22/89, effective 9/22/89)

**WAC 82-54-010 Transfer of shared leave.** The Washington state leave sharing program as established in RCW 41.04.650 through 41.04.670 provides that employees may donate annual, sick, and personal holiday leave to other employees for sick leave purposes ((as established under chapter 93, Laws of 1989)). The purpose of the shared leave program is to permit state employees to aid fellow state employees who are suffering from, or have a relative or household member suffering from, extraordinary or severe illness, injury, impairment, or physical or mental condition which have caused or are likely to cause the employees to take leave without pay or terminate their employment.

**WSR 96-15-087  
EMERGENCY RULES  
LOTTERY COMMISSION**

[Filed July 19, 1996, 12:30 p.m., effective August 19, 1996]

Date of Adoption: July 12, 1996.

Purpose: To amend WAC 315-11A-163 to add a \$60 play symbol and caption.

Citation of Existing Rules Affected by this Order: Amending WAC 315-11A-163.

Statutory Authority for Adoption: RCW 67.70.040.

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: The \$60 play symbol and caption for Game No. 163, Apple Bucks, was omitted from the rule adopted March 1, 1996. An emergency rule will prevent the state from incurring costs to destroy and print additional point of sale materials if the game does not go on sale as scheduled, thereby causing a reduction in sales revenue and loss to the general fund.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.


Effective Date of Rule: August 19, 1996.

AMENDATORY SECTION (Amending WSR 96-07-015, filed 3/12/96, effective 4/12/96)

**WAC 315-11A-163 Instant Game Number 163 ("Apple Bucks").** (1) **Definitions for Instant Game Number 163.**

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 163, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
	APL

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$8.00," "\$9.00," "\$10.00," "\$12.00," "\$20.00," "\$60.00," "\$1,000," and "\$3,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 163, the prize symbol captions which correspond with and verify the prize symbols are:

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<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ <u>60.00</u>	<u>\$SIXTY\$</u>
\$ 1,000	ONETHOU
\$ 3,000	THRTHOU

(e) Validation number: The unique twenty-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 163000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 163 constitute the "pack number" which starts at 163000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 163, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FIV	\$ 5.00 (\$1, \$1, \$1, \$1, AND \$1; \$2, \$2 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$1, \$1 AND \$1; \$5, \$1, \$1, \$1 AND \$1)
EGN	\$ 18.00 (\$5, \$4, \$3, \$3, AND \$3; \$6, \$6, \$4, \$1 AND \$1)
TWF	\$ 25.00 (\$10, \$9, \$4, \$1 AND \$1)
SXY	\$ 60.00 (\$20, \$12, \$10, \$10 AND \$8)
TRN	\$ 300.00 (\$60, \$60, \$60, \$60 AND \$60)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 163.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching

play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 163, the "O" play symbol with the caption "APL" shall always be a winning play symbol, and the bearer of a ticket which has a "O" play symbol with the caption "APL" shall be entitled to the prize shown below the "O" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 163 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 163; and/or

(ii) Vary the number of tickets sold in Instant Game Number 163 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 163.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 163 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each

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of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**WSR 96-15-092**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-97—Filed July 19, 1996, 4:00 p.m., effective July 20, 1996, 11:59 p.m.]

Date of Adoption: July 19, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-25500C; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The catch limit for the fishery in Catch Area 3 and the western portion of Area 4 west of the Bonilla-Tatoosh line is projected to be taken by July 20, 1996. The International Pacific Halibut Commission is issuing a regulation which closed this fishery at 11:59 p.m. on July 20, 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 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: July 20, 1996, 11:59 p.m.

July 19, 1996  
Bruce Crawford  
Acting Deputy  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-25500D Halibut seasons.** Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. July 20, 1996 until further notice, it is unlawful to fish for

or possess Pacific halibut for personal use except as provided for in this section:

(1) Catch Record Card Area 1 - Open until September 30, 1996. Daily limit of one halibut. Minimum size 32 inches in length.

(2) Catch Record Card Area 2 - Closed, except for the following area which is open seven days per week. Daily limit of one halibut no size limit. South of the Queets River to 47 degrees N. latitude and east of 124 degrees 40 minutes W. Longitude.

(3) Catch Record Card Area 3 and that portion of Area 4 west of the Bonilla-Tatoosh line. - Closed.

(4) Catch Record Card Areas 5 through 13 and that portion of Area 4 east of the Bonilla-Tatoosh line - Open Thursdays through Mondays until 11:59 p.m. July 27, 1996. Daily limit of one halibut no size limit.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500C Halibut seasons. (96-54)

**WSR 96-15-097**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-99—Filed July 19, 1996, 6:50 p.m.]

Date of Adoption: July 19, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for a recreational fishery. These rules are adopted at the recommendation of the Pacific Fisheries Management Council in accordance with preseason fishing plans.

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.

July 19, 1996  
Bern Shanks  
Director

### NEW SECTION

**WAC 220-56-19000E Coastal salmon—Saltwater seasons and bag limits.** Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - July 22 through September 26 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore and in the Columbia Control Zone 1. Cumulative limit with area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - July 22 through September 26 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with area 1 of no more than four salmon in any seven consecutive days.

(3) Catch Record Card Area 3 - August 5 through September 26 - Daily limit F except release chinook salmon. Open seven days per week. Closed within three miles of shore.

(4) Catch Record Card Area 4 waters east of the Bonilla-Tatoosh line - August 5 through September 26 Daily limit F except release chinook salmon. Closed within three miles of shore south of Skagway Rock.

(5)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boast basin-August 16 until further notice - Daily limit of six salmon of which no more than 4 may be adults.

(5)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily Limit A..

(6) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily limit of six salmon of which no more than 4 may be adults.

**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.

**WSR 96-15-100  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-98—Filed July 22, 1996, 12:12 p.m.]

Date of Adoption: July 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans.

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.

July 19, 1996  
Bern Shanks  
Director

### NEW SECTION

**WAC 220-24-02000A Commercial salmon troll.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Leadbetter Point it is lawful to fish for and possess all salmon species other than chinook salmon on the following days:

July 26 through July 28  
August 2 through August 4  
August 9 through August 11  
August 16 through August 18  
August 23 through August 25  
August 30 through September 1  
September 6 through September 8,  
September 13 through September 15,  
September 20 through September 22, and  
September 27 through September 29, 1996.

(b) All salmon taken during the three day open periods provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold within the open Salmon Management and Catch Reporting Area or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

**Chapter 204-95 WAC  
LIMOUSINE BUSINESSES**

NEW SECTION

**WAC 204-95-030 Fees.** The department of licensing, as authorized in chapter 87, Laws of 1996, shall charge and collect the following fees:

Fees listed in WAC 308-87-060	
Annual Inspection	\$25.00
Reinspection	\$15.00
Background Check	as set in WAC 446-20-600

The background check shall consist of a fingerprint-based background search at the state level conducted by the Washington state patrol identification section.

NEW SECTION

**WAC 204-95-080 Annual inspections, safety of equipment.** Upon the request of a new limousine applicant or a limousine operator applying for annual renewal of their limousine license with the department of licensing, the Washington state patrol shall conduct a safety inspection of the equipment to be used in the limousine service. Applicants or operators must present their vehicle(s) at a Washington state patrol district or detachment office for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The vehicle must pass the inspection to qualify for renewal of original limousine operators license with department of licensing. The vehicle inspection will consist for the following:

(1) All standard equipment for vehicles will be checked to include brake systems, functional brake performance test, wheel systems, steering and suspension, fuel system, exhaust system, lighting and signal system, visibility system, body components, interior condition and cleanliness.

(2) If a vehicle fails an initial inspection and must be reinspected, a reinspection fee as provided in WAC 308-87-060 will apply. The applicant or operator must present the original inspection form and reinspection form to the department of licensing.

(3) Upon successful completion of the safety inspection, a commercial vehicle safety alliance decal will be applied to the upper right hand corner of the windshield.

**WSR 96-15-120  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Order 96-100—Filed July 23, 1996, 4:24 p.m., effective July 27, 1996, 12:01 a.m.]

Date of Adoption: July 23, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; 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

(c) Lawful terminal gear during the fishing period provided for in this subsection is all legal troll gear.

(d) No vessel may land or possess more than 75 coho salmon in each of the three day open periods provided for in this subsection.

(2) In the fisheries authorized in this section:

(a) No coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

**WSR 96-15-119  
EMERGENCY RULES  
WASHINGTON STATE PATROL**

[Filed July 23, 1996, 3:31 p.m.]

Date of Adoption: July 23, 1996.

Purpose: Under chapter 87, Laws of 1996, the Washington State Patrol may impose annual vehicle inspection fees for limousine carriers. This new chapter set those fees and outlines the inspection procedures.

Statutory Authority for Adoption: Chapter 87, Laws of 1996.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 87, Laws of 1996, allows the state patrol to charge fees for the annual vehicle inspection required by limousine carriers. This new section will set those fees and also outline the inspection process.

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 1, 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.

July 23, 1996

B. J. Bjork  
for Annette M. Sandberg  
Chief

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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: These lakes are scheduled for rehabilitation. Seasons are extended, and/or catch, size, and possession limits waived to provide additional recreational opportunity.

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: July 27, 1996, 12:01 a.m.

July 23, 1996  
Bruce Crawford  
Acting Deputy  
for Bern Shanks  
Director

## NEW SECTION

**WAC 232-28-61900S Regional exception to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, the following game fish seasons, catch, size and possession limits apply:

**Williams Lake (Stevens County):** Effective 12:01 a.m., July 27, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish species are waived. Season open 12:01 a.m., July 27, 1996 through 12:00 midnight October 15, 1996.

**Alkali Lake (Grant County):** Effective 12:01 a.m., July 27, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish species are waived.

**Closed Waters** October 16, 1996 through October 31, 1996.

**Blue Lake (Grant County):** Effective 12:01 a.m. July 27, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish species are waived. Season extended from 12:01 a.m. October 1, 1996 through 12:00 midnight October 15, 1996.

**Blue Lake (Okanogan County):** Effective 12:01 a.m., July 27, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish species are waived.

**Closed Waters** October 16, 1996 through October 31, 1996.

**Fish Lake (Okanogan County):** Effective 12:01 a.m., July 27, 1996 through 12:00 midnight, October 15, 1996; catch,

size, and possession limits on all game fish species are waived.

**Closed Waters** October 16, 1996 through October 31, 1996.

**Park Lake (Grant County):** Effective 12:01 a.m., July 27, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish species are waived. Season extended from 12:01 a.m. October 1 through 12:00 midnight October 15, 1996.

All other provisions of WAC 232-28-619 for these waters remain in effect and unchanged.

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 effective 12:01 a.m. November 1, 1996:

WAC 232-28-61900S Regional exceptions to permanent game fish rules.

**WSR 96-15-121**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 96-101—Filed July 23, 1996, 4:26 p.m.]

Date of Adoption: July 23, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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 floods of 1995-96 created a large pool at the mouth of Deer Creek and the creek itself flows over a shallow bar as it enters the river. This has resulted in a situation where returning adult wild summer steelhead are holding at the mouth of the Deer Creek waiting to ascend the creek, perhaps following a freshet. The concentration of fish has attracted angler interest, with four to twelve anglers fishing the pool consistently from daylight to dark each day.

There may be in excess of one hundred adult summer steelhead currently in the pool and anglers are catching and releasing as many as thirty or more of these fish per day. Dead wild steelhead began to be seen on July 10, 1996, downstream of the Deer Creek mouth. It appears that one or two fish are dying each day from hooking and handling mortality.

The steelhead are currently reluctant to enter the creek, due to the shallow bar, the warm water of Deer Creek (which is typically five to ten degrees warmer than the river). Anglers are continually standing at the mouth of

Deer Creek, deterring the fish from entering. Since steelhead rarely travel at night, the fish have little chance to go up the creek.

The Deer Creek summer steelhead run was petitioned in 1993 under the Endangered Species Act. The "Washington State Salmon and Steelhead Stock Inventory" rates the status as critical. Even though there appears to be more Deer Creek summer steelhead for this stage of the run as any time in the last several decades, the current environmental conditions and hooking and handling mortalities warrant the emergency regulation.

An exemption to the standardized closure dates has been approved due to the critical status of the run.

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.

July 23, 1996  
Bruce Crawford  
Acting Deputy  
for Bern Shanks  
Director

#### NEW SECTION

**WAC 232-28-61900T Regional exception to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, effective immediately, until further notice the following regulation applies:

Stillaguamish River, North Fork (Snohomish County)

From mouth of Deer Creek, upstream 100 feet and downstream 250 feet - **Closed Waters.**

All other provisions of WAC 232-28-619 for this water remains in effect unchanged.

**WSR 96-15-001**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Memorandum—July 3, 1996]

Regular Meeting  
 July 11-12, 1996  
 Water Resources Education Center  
 Vancouver, Washington

Note: If you need special accommodations to participate in this meeting, please notify us by July 1, 1996, at (360) 902-3000 or TDD (360) 902-1996.

Next Meeting: September 23-24, 1996, Natural Resources Building, Room 175 A & B, Olympia, Washington.

**WSR 96-15-004**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**  
 [Memorandum—July 2, 1996]

**NOTICE OF MEETING LOCATION CHANGE**

The Public Works Board meeting scheduled for 9:30 a.m., August 6, 1996, will be held at the Ninth and Columbia Building, 906 Columbia Street S.W., Olympia, WA.

The meeting will include an inspection of projects funded by the public works trust fund in Mason County.

**WSR 96-15-011**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed July 8, 1996, 10:02 a.m.]

Leslie Baldwin should be listed as the Department of Social and Health Services rules coordinator, effective immediately and until further notice. Her phone number is (360) 902-7540, FAX 902-8292, TDD 902-8324, email: lbaldwin@dshs.wa.gov.

Merry A. Kogut

**WSR 96-15-012**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
 [Memorandum—July 5, 1996]

MEETING NOTICE FOR JULY 1996  
 TRANSPORTATION IMPROVEMENT BOARD  
 OLYMPIA, WASHINGTON 98504-0901

Increase Subcommittee, 1:00 p.m. - 3:00 p.m., Thursday, July 25, 1996, at the Red Lion Inn, 2525 North 20th, Pasco, WA.

Program Review Subcommittee, 3:00 p.m. - 5:00 p.m., Thursday, July 25, 1996, at the Red Lion.

Work Session, 7:00 p.m., Thursday, July 25, 1996, at the Red Lion.

Board Meeting, 9:00 a.m., Friday, July 26, 1996, at the Red Lion.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by July 15, 1996.

There is no Transportation Improvement Board meetings in August. The next scheduled meeting is September 27, 1996, in Pierce County. A notice with further detail of the September meeting will be mailed September 6, 1996.

**WSR 96-15-013**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**  
 [Memorandum—July 3, 1996]

The board of trustees has canceled the regular board meeting that was scheduled to be held on July 23, 1996, at 7:30 p.m. in the Board Room at Olympic College, District No. 3, Bremerton, Washington.

**WSR 96-15-016**  
**RULES COORDINATOR**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
 [Filed July 8, 1996, 2:21 p.m.]

In accordance with RCW 34.05.310(3), I am designating Douglas Mah as the rules coordinator for the Office of Financial Management. His address and telephone number are 300 Insurance Building, Mailstop 43113, Olympia, WA 98504-3113, 753-1932.

Gary S. Robinson  
 Acting Director

**WSR 96-15-017**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE POLICY BOARD**  
 [Memorandum—July 8, 1996]

The Health Care Policy Board has scheduled a special meeting on Thursday, July 18, 1996, from 9:00 a.m. to 12:00 noon, at the SeaTac Marriott Hotel in the Snoqualmie Ballroom, 3201 South 176th Street, SeaTac, WA 98188.

**WSR 96-15-019**  
**RULES COORDINATOR**  
**GAMBLING COMMISSION**  
 [Filed July 9, 1996, 2:31 p.m.]

Effective July 10, 1996, Carrie Tellefson, special assistant to the director for public affairs, will act as the Gambling Commission's rules coordinator until further notice.

Frank L. Miller  
 Director

WSR 96-15-026
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—July 8, 1996]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

The board of directors of the Washington Technology Center is scheduled to meet at least quarterly according to statute. The following are the quarterly scheduled meetings for 1996/1997 beginning in September.

Thursday, September 5, 1996
9 a.m. - 12:00
First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, December 5, 1996
9 a.m. - 12:00
First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, March 6, 1997
9 a.m. - 12:00
First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, June 5, 1997
9 a.m. - 12:00
First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Contact Person: Molly K. Corrigan, phone (206) 616-3102.

WSR 96-15-027
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—July 8, 1996]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS 1996-97

Autumn Quarter, 1996

Executive Committee Agenda Deadline September 27
Executive Committee Meeting October 7\*
SENATE Meeting October 24\*
Executive Committee Agenda Deadline November 8
Executive Committee Meeting November 18\*
SENATE Meeting December 5\*

Winter Quarter, 1997

Executive Committee Agenda Deadline January 3

Miscellaneous

Executive Committee Meeting January 13\*\*
SENATE Meeting January 30\*
Executive Committee Agenda Deadline February 14
Executive Committee Meeting February 24\*
SENATE Meeting March 13\*

Spring Quarter, 1997

Executive Committee Agenda Deadline March 21
Executive Committee Meeting March 31\*
SENATE Meeting April 17\*
(Senate elections begin) April 21
Executive Committee Meeting - Nominations April 21
Executive Committee Agenda Deadline April 21
Executive Committee Meeting April 28\*
SENATE Meeting May 15\*

\* A continuation meeting may be held on the same day of the following week.

\*\* A continuation meeting may be held on the following Tuesday.

Senate meetings will be held at 2:30 p.m. in 301 Gowen Hall.

Executive Committee meetings will be held at 2:30 p.m. in 142 Gerberding Hall.

WSR 96-15-030
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed July 10, 1996, 2:42 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can an RN or ARNP administer controlled substances under the proposed standing orders/protocols?
Issuing Entity: Washington State Nursing Care Quality Assurance Commission
Subject: The commission issued an advisory opinion in response to the request from the Director, Crisis Triage Center, Comprehensive Mental Health, Tacoma, Washington on whether an RN or ARNP may administer controlled substances under the proposed standing orders/protocols at the Crises Triage Center.

Effective Date: June 7, 1996

Contact Person: Pam L. Mena, Program Manager
Department of Health
Nursing Care Commission
P.O. Box 47864
Olympia, WA 98504-7864
(360) 664-4219

MISCELLANEOUS

**WSR 96-15-031**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed July 10, 1996, 2:45 p.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Can an RN delegate uncomplicated oral pharyngeal suctioning to unlicensed persons?

**Issuing Entity:** Washington State Nursing Care Quality Assurance Commission

**Subject:** The commission issued an advisory opinion in response to the from the Case Resource Manager, DSHS/DDD, Tacoma, Washington on whether an RN may delegate uncomplicated oral pharyngeal suctioning to a nursing assistant, registered or certified (an unlicensed person).

**Effective Date:** June 7, 1996

**Contact Person:** Pam L. Mena, Program Manager  
 Department of Health  
 Nursing Care Commission  
 P.O. Box 47864  
 Olympia, WA 98504-7864  
 (360) 664-4219

**WSR 96-15-032**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed July 10, 1996, 2:47 p.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Can a nursing assistant, certified, perform finger oximeter checks?

**Issuing Entity:** Washington State Nursing Care Quality Assurance Commission

**Subject:** The commission issued an advisory opinion in response to the request from the Clinical Coordinator, St. Mary Medical Center Home Health, Walla Walla, Washington on whether nursing assistants may perform finger oximeter checks.

**Effective Date:** June 7, 1996

**Contact Person:** Pam L. Mena, Program Manager  
 Department of Health  
 Nursing Care Commission  
 P.O. Box 47864  
 Olympia, WA 98504-7864  
 (360) 664-4219

**WSR 96-15-035**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
 [Memorandum—July 11, 1996]

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, July 17, from 11:30 a.m. - 1:15 p.m. in Room 309 of the Convention Center, 800 Convention Place, Seattle, WA.

A regular meeting of the WSCTC board of directors will also be held on Wednesday, July 17, from 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

**WSR 96-15-045**  
**POLICY AND INTERPRETIVE STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 12, 1996, 9:19 a.m.]

**POLICY AND INTERPRETIVE STATEMENT**

**Consultation & Compliance**

WISHA Interim Interpretive memorandum #96-6-G, "Audiometric Testing for Intermittent Noise Exposure," provides guidance to WISHA staff in applying the requirements of the hearing conservation standard to intermittent noise exposure.

Contact: Sharon Hubbell or Teri Neely  
 Mailstop 4648  
 (360) 902-5503

Frank Leuck, Assistant Director  
 Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6-F, "Voluntary Rescue Activities by Employees," confirms guidance to WISHA staff in determining whether an employee's effort to rescue another person constitutes a "recognized" hazard.

Contact: Sharon Hubbell or Teri Neely  
 Mailstop 4648  
 (360) 902-5503

Frank Leuck, Assistant Director  
 Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6-E, "Hearing Loss Recordkeeping," addresses the use of presbycusis, the "aging adjustment," in recording occupational hearing loss.

Contact: Sharon Hubbell or Teri Neely  
 Mailstop 4648  
 (360) 902-5503

Frank Leuck, Assistant Director  
 Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6D, "Permit-Required Confined Spaces," confirms previous guidance to WISHA staff addressing the subject of the federal CPL#2.100 regarding the applicability of the permit-required confined spaces standard.

Contact: Sharon Hubbell or Teri Neely  
 Mailstop 4648  
 (360) 902-5503

MISCELLANEOUS

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6-C, "Employers Exposed to Hazards," provides policy guidance to regional WISHA staff in what the department considers to be the appropriate use of the "exposed employer" analysis.

Contact: Sharon Hubbell or Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6-B, "Closing Conference and Preparation of Citations," provides guidance regarding the purpose of the closing conference and the preparation of tentative citation documents.

Contact: Sharon Hubbell or Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-6-A, "Fall Protection During Scaffold Erection and Dismantling," reiterates and clarifies current guidance to WISHA staff when evaluating fall protection for scaffold erectors and dismantlers.

Contact: Sharon Hubbell or Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

Washington Regional Directive 96-2, "Application of Firefighter Standards to All Volunteer Departments." The Department of Labor and Industries revised chapter 296-305 WAC, governing firefighter safety. The director is delaying enforcement of the standard as it relates to all volunteer fire departments until April 1, 1997, to give them more time to come into compliance with the new standard.

Contact: Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

**Insurance Services**

Insurance Services Policy 6.70, "Authorizing Job Modifications," provides guidance to staff whenever a job modification is requested for an injured worker.

Contact: Linda Norris  
Mailstop 4311  
(360) 902-5003

Theresa Whitmarsh, Assistant Director  
Insurance Services

**Research and Information Services**

Osteopathic Payment Policy and Billing Information Provider Bulletin PB 96-07. This provider bulletin details the payment policy and billing code information for osteopathic manipulative therapy, evaluation and management codes and

other services provided by osteopathic physicians which becomes effective July 1, 1996.

Contact: Loris Gies  
Mailstop 4322  
(360) 902-4249

Joseph Bell, Assistant Director  
Research and Information Services

**WSR 96-15-051  
RULES OF COURT  
STATE SUPREME COURT**

[July 11, 1996]

IN THE MATTER OF THE ADOPTION ) NO. 25700-A-585  
OF THE AMENDMENT TO JuCR 7.12(g) ) ORDER

The Sentencing Guidelines Commission having recommended the adoption of the proposed amendment to JuCR 7.12(g), 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 11th day of July, 1996.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Alexander, J.

Guy, J.

Sanders, J.

Johnson, J.

Talmadge, J.

**RULE 7.12 DISPOSITION HEARING**

(g) Judgment and Sentence. For every disposition order entered pursuant to a juvenile court offense adjudication or deferred adjudication, the court entering the order shall forward to the Sentencing Guidelines Commission the information contained in the order and such criminal history, demographic, and other information as the Office of the Administrator for the Courts may prescribe. The Administrator for the Courts, at the direction of the Supreme Court, and after consulting with the Sentencing Guidelines Commission, shall determine the method for transmitting this information from the court to the Commission.

MISCELLANEOUS

**WSR 96-15-052**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—July 2, 1996]

BOARD OF TRUSTEES  
 EDMONDS COMMUNITY COLLEGE  
 NOTICE OF MEETINGS  
 TO MEDIA/OTHER

The Edmonds Community College board of trustees may attend the following functions during the month of July.

- July 18, 1996\* EdCC Foundation Golf Tournament  
 10:30 a.m.-9:00 p.m. Nile Golf and Country Club  
 6601 244th Street S.W.  
 Mountlake Terrace, WA
- July 25, 1996\* EdCC Board of Trustees  
 8:30 a.m.-8:30 p.m. Study Session  
 Mill Creek Country Club  
 15500 Country Club Drive  
 Mill Creek, WA 98012
- July 26, 1996\* EdCC Board of Trustees  
 9:00 a.m.-4:00 p.m. Study Session  
 Mill Creek Country Club  
 15500 Country Club Drive  
 Mill Creek, WA 98012

\*These events are being scheduled as special meetings where no action will be taken. There will not be an EdCC board of trustees meeting in July.

**WSR 96-15-053**  
**RULES COORDINATOR**  
**LOTTERY COMMISSION**  
 [Filed July 15, 1996, 1:02 p.m.]

Effective July 15, 1996, Michael Aoki-Kramer is designated to replace Judith Giniger as the Lottery Commission rules coordinator. The office and address of the rules coordinator is:

Washington State Lottery  
 P.O. Box 43025  
 Olympia, WA 98504-3025

**WSR 96-15-058**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 (Community Economic Revitalization Board)  
 [Memorandum—July 12, 1996]

1997 Meeting Schedule  
 Community Economic Revitalization Board (CERB)

The following schedule of the 1997 regular meetings of the Community Economic Revitalization Board (CERB) is hereby submitted for publication in the Washington State Register:

- January 16, 1997
- March 20, 1997

- May 15, 1997
- July 17, 1997
- September 18, 1997
- November 20, 1997

All Community Economic Revitalization Board meetings will be held on the third Thursday of every other month in the SeaTac Airport large auditorium.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the Community Economic Revitalization Board meetings should be sent to:

Community Economic Revitalization Board  
 c/o Department of Community, Trade  
 and Economic Development  
 906 Columbia Street S.W.  
 P.O. Box 48300  
 Olympia, WA 98504-8300

**WSR 96-15-060**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—July 16, 1996]

The University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Lincoln Johnson  
 Director, Student Activities and Union Facilities  
 Box 352230

Summer 1996 meetings

GPSS Executive

Meeting Dates	Location	Time
July 17, 1996	HUB Room 300	7:00 p.m.
August 21, 1996	HUB Room 300	7:00 p.m.

GPSS Senate

Meeting Dates	Location	Time
July 10, 1996	HUB Room 106B	4:30 p.m.
August 14, 1996	HUB Room 106B	4:30 p.m.

**WSR 96-15-069**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed July 18, 1996, 10:28 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Guidelines prohibiting discrimination against individuals with a disability.

MISCELLANEOUS

**Issuing Entity:** Health Professions Quality Assurance Division, Department of Health.

**Subject Matter:** Establishes guidelines to assure that all staff are in compliance with the Americans with Disabilities Act in our licensing, investigation and adjudication processes.

**Effective Date:** July 12, 1996.

**Contact Person:** Patricia O. Brown, Deputy Director  
Health Policy and Constituent Relations  
Health Professions Quality Assurance Division  
Department of Health  
P.O. Box 7860  
Olympia, WA 98504-7860  
(360) 586-0055

1996 Meeting Schedule of the Board of Trustees  
Second Tuesday of the Month at 2:00 p.m.  
Board Room in the Laidlaw Center

Whatcom Community College  
237 West Kellogg Road  
Bellingham, WA 98226

January 9  
February 13  
March 12  
April 9  
May 14  
June 11  
July 9  
August 13 (no meeting)  
September 10  
October 8  
November 12  
December 10

**WSR 96-15-070**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed July 18, 1996, 10:30 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Title:** Procedure for implementing Department of Health policy and procedure on over-time, exchange time, work schedules, and office hours.

**Issuing Entity:** Division of Community and Family Health, Office of Public Health Nutrition Services.

**Description:** The procedure is designed to clarify internal implementation Department of Health Policy and Procedure 07.008 and chapters 356-05, 356-14, 356-15, and 356-18 WAC. This procedure provides additional detail on the topic.

**Contact:** Ingrid Hansen  
Washington State Department of Health  
Division of Community and Family Health  
Office of Public Health Nutrition Services  
P.O. Box 47886  
Olympia, WA 98504-7886  
Phone (360) 586-8757

**Effective Date:** July 12, 1996.

**WSR 96-15-074**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 9**  
[July 8, 1996]

**SCHOOL DISTRICTS - SCHOOL EMPLOYEES - SCHOOL FUNDS - SALARY AND BENEFITS - HEALTH INSURANCE - HEALTH CARE AUTHORITY - OBLIGATION TO PROVIDE "BASIC BENEFITS" BEFORE OFFERING "OPTIONAL" BENEFIT PACKAGE.**

RCW 28A.400.280 requires a school district to offer some form of each of the five "basic benefits" defined in RCW 28A.400.270, before it can expend school funds for additional or alternative "optional" benefits.

**Requested by:**  
Larry Swift, Ph.D.  
Executive Director  
Washington State School Directors' Association  
221 College Street Northeast  
Olympia, WA 98516-5313

**WSR 96-15-075**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 10**  
[July 9, 1996]

**SCHOOLS - SCHOOL DISTRICTS - DISTRICTS - RELIGION - CHURCHES CONSTITUTIONALITY OF PRAYER AT COMMENCEMENT EXERCISES.**

1. Under current U.S. Supreme Court case law, it would not be constitutional for the officers or employees of a school district (or other governmental entity operating a school) to plan for and include prayer as a part of a commencement exercise or similar official school function.
2. Under current Ninth Circuit case precedent, it would not be constitutional for a school district (or other governmental

**WSR 96-15-073**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**  
[Memorandum—July 17, 1996]

The board of trustees at Whatcom Community College recently revised its annual meeting schedule due to the lack of a quorum at its July 9, 1996, meeting. The board agreed to meet on August 13, 1996. A copy of the annual schedule is shown below for your convenience.

MISCELLANEOUS



entity operating a school) to allow its students to include prayer as a part of a student-planned commencement exercise or similar official school function.

3. Private, non-disruptive prayers at commencement exercises, which are not a part of the planned program and which do not disrupt it, are constitutional under current case law.
4. Because the state constitution is stricter than the federal with regard to the support of religion with public funds and/or property, there is no purpose to be served in separately analyzing the state constitutional issues raised by prayer at commencement programs.

Requested by:

The Honorable Brad Owen  
 State Senator, 35th Legislative District  
 P.O. Box 40482  
 Olympia, Washington 98504-0482

The Honorable Peggy Johnson  
 State Representative, 35th Legislative District  
 P.O. Box 40600  
 Olympia, Washington 98504-0600

The Honorable Tim Sheldon  
 State Representative, 35th Legislative District  
 P.O. Box 40600  
 Olympia, Washington 98504-0600

**WSR 96-15-103**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Memorandum—July 17, 1996]

Pursuant to board action on July 17, 1996, the date of the board's September regular meeting has been changed. Instead of September 18, the board will hold a regular meeting on Wednesday, September 11, 1996, at 1:30 p.m. in Room 211 of the Convention Center.

**WSR 96-15-131**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—July 24, 1996]

Board of Trustees  
 July 26, 1996, 9:00 a.m.  
 Spokane Center  
 Second Floor Mall  
 Room 263-65

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the Spokane Center Board Room.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

**WSR 96-15-132**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**  
 [Memorandum—July 22, 1996]

The board of trustees for Bates Technical College will be changing its regular meeting date from September 18, 1996, to September 4, 1996.

All meetings of the board are held at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405, in the Clyde Hupp Board Room and commence at 3:00 p.m.

**WSR 96-15-133**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—July 22, 1996]

In accordance with RCW 42.30.075, the University of Washington is providing the following revised meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Student Activities and Union Facilities

Summer 1996 Meetings

GPSS Executive

Meeting Dates	Location	Time
July 17, 1996	HUB Room 300	7:00 p.m.
August 13	HUB Room 300	7:00 p.m.
September 4	HUB Room 300	7:00 p.m.

GPSS Senate

Meeting Dates	Location	Time
July 10, 1996	HUB 106B	4:30 p.m.
August 14, 1996	HUB 106B	4:30 p.m.

MISCELLANEOUS



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 96-14

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	12-10-400	PREP-X	96-13-023	12-19-010	DECOD-P	96-14-024
4-25-530	AMD-P	96-09-065	12-10-405	PREP-X	96-13-023	12-20-050	DECOD-P	96-14-024
4-25-530	AMD	96-12-060	12-10-410	PREP-X	96-13-023	12-24-002	DECOD-P	96-14-024
4-25-722	PREP	96-05-082	12-10-420	PREP-X	96-13-023	12-24-005	DECOD-P	96-14-024
4-25-722	AMD-P	96-09-064	12-10-425	PREP-X	96-13-023	12-24-025	DECOD-P	96-14-024
4-25-722	AMD	96-12-062	12-10-440	PREP-X	96-13-023	12-24-030	DECOD-P	96-14-024
4-25-750	PREP	96-05-083	12-10-442	PREP-X	96-13-023	12-24-035	DECOD-P	96-14-024
4-25-750	AMD-P	96-09-066	12-10-444	PREP-X	96-13-023	12-24-040	DECOD-P	96-14-024
4-25-750	AMD	96-12-061	12-10-450	PREP-X	96-13-023	12-24-045	DECOD-P	96-14-024
4-25-810	PREP	96-05-084	12-10-455	PREP-X	96-13-023	12-24-050	DECOD-P	96-14-024
4-25-810	PREP-W	96-10-027	12-10-460	PREP-X	96-13-023	12-24-105	DECOD-P	96-14-024
12-10-010	PREP-X	96-13-023	12-10-465	PREP-X	96-13-023	12-24-110	DECOD-P	96-14-024
12-10-020	PREP-X	96-13-023	12-10-470	PREP-X	96-13-023	12-24-115	DECOD-P	96-14-024
12-10-025	PREP-X	96-13-023	12-10-480	PREP-X	96-13-023	12-24-120	DECOD-P	96-14-024
12-10-030	PREP-X	96-13-023	12-10-485	PREP-X	96-13-023	12-24-125	DECOD-P	96-14-024
12-10-035	PREP-X	96-13-023	12-10-490	PREP-X	96-13-023	12-24-130	DECOD-P	96-14-024
12-10-040	PREP-X	96-13-023	12-10-495	PREP-X	96-13-023	12-24-135	DECOD-P	96-14-024
12-10-050	PREP-X	96-13-023	12-10-500	PREP-X	96-13-023	12-24-140	DECOD-P	96-14-024
12-10-055	PREP-X	96-13-023	12-10-510	PREP-X	96-13-023	12-24-145	DECOD-P	96-14-024
12-10-060	PREP-X	96-13-023	12-10-520	PREP-X	96-13-023	12-24-150	DECOD-P	96-14-024
12-10-100	PREP-X	96-13-023	12-10-530	PREP-X	96-13-023	12-24-155	DECOD-P	96-14-024
12-10-160	PREP-X	96-13-023	12-10-535	PREP-X	96-13-023	12-24-160	DECOD-P	96-14-024
12-10-170	PREP-X	96-13-023	12-10-540	PREP-X	96-13-023	12-24-165	DECOD-P	96-14-024
12-10-180	PREP-X	96-13-023	12-10-545	PREP-X	96-13-023	12-24-170	DECOD-P	96-14-024
12-10-190	PREP-X	96-13-023	12-10-550	PREP-X	96-13-023	12-24-175	DECOD-P	96-14-024
12-10-200	PREP-X	96-13-023	12-10-570	PREP-X	96-13-023	12-24-180	DECOD-P	96-14-024
12-10-203	PREP-X	96-13-023	12-10-580	PREP-X	96-13-023	12-24-185	DECOD-P	96-14-024
12-10-205	PREP-X	96-13-023	12-10-600	PREP-X	96-13-023	12-24-190	DECOD-P	96-14-024
12-10-210	PREP-X	96-13-023	12-10-650	PREP-X	96-13-023	12-24-195	DECOD-P	96-14-024
12-10-215	PREP-X	96-13-023	12-10-652	PREP-X	96-13-023	12-24-200	DECOD-P	96-14-024
12-10-230	PREP-X	96-13-023	12-10-660	PREP-X	96-13-023	12-24-205	DECOD-P	96-14-024
12-10-240	PREP-X	96-13-023	12-10-690	PREP-X	96-13-023	12-24-210	DECOD-P	96-14-024
12-10-245	PREP-X	96-13-023	12-10-695	PREP-X	96-13-023	12-24-215	DECOD-P	96-14-024
12-10-260	PREP-X	96-13-023	12-10-700	PREP-X	96-13-023	12-24-350	DECOD-P	96-14-024
12-10-270	PREP-X	96-13-023	12-10-710	PREP-X	96-13-023	12-24-360	DECOD-P	96-14-024
12-10-300	PREP-X	96-13-023	12-10-800	PREP-X	96-13-023	12-24-370	DECOD-P	96-14-024
12-10-305	PREP-X	96-13-023	12-10-810	PREP-X	96-13-023	12-24-380	DECOD-P	96-14-024
12-10-310	PREP-X	96-13-023	12-10-820	PREP-X	96-13-023	12-40-010	DECOD-P	96-14-024
12-10-320	PREP-X	96-13-023	12-10-830	PREP-X	96-13-023	12-40-020	DECOD-P	96-14-024
12-10-330	PREP-X	96-13-023	12-10-840	PREP-X	96-13-023	12-40-030	DECOD-P	96-14-024
12-10-340	PREP-X	96-13-023	12-10-900	PREP-X	96-13-023	12-40-040	DECOD-P	96-14-024
12-10-345	PREP-X	96-13-023	12-18-001	DECOD-P	96-14-024	12-40-050	DECOD-P	96-14-024
12-10-350	PREP-X	96-13-023	12-18-010	DECOD-P	96-14-024	12-40-060	DECOD-P	96-14-024
12-10-355	PREP-X	96-13-023	12-18-020	PREP	96-10-041	12-40-070	DECOD-P	96-14-024
12-10-360	PREP-X	96-13-023	12-18-020	AMD-P	96-14-024	12-40-080	DECOD-P	96-14-024
12-10-365	PREP-X	96-13-023	12-18-020	DECOD-P	96-14-024	12-40-090	DECOD-P	96-14-024
12-10-370	PREP-X	96-13-023	12-18-030	DECOD-P	96-14-024	12-40-100	DECOD-P	96-14-024
12-10-375	PREP-X	96-13-023	12-18-040	DECOD-P	96-14-024	12-40-110	DECOD-P	96-14-024
12-10-390	PREP-X	96-13-023	12-18-050	DECOD-P	96-14-024	12-40-120	DECOD-P	96-14-024

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
12-40-130	DECOD-P	96-14-024	16-06-160	NEW-P	96-06-082	16-101-500	PREP-X	96-14-009
12-40-140	DECOD-P	96-14-024	16-06-160	NEW-C	96-11-119	16-101-510	PREP-X	96-14-009
12-40-150	DECOD-P	96-14-024	16-06-160	NEW	96-14-086	16-101-520	PREP-X	96-14-009
12-40-160	DECOD-P	96-14-024	16-06-165	NEW-P	96-06-082	16-101-530	PREP-X	96-14-009
12-40-170	DECOD-P	96-14-024	16-06-165	NEW-C	96-11-119	16-101-540	PREP-X	96-14-009
16-05-001	NEW-P	96-10-080	16-06-165	NEW	96-14-086	16-101-550	PREP-X	96-14-009
16-05-001	NEW	96-13-082	16-06-170	NEW-P	96-06-082	16-101-560	PREP-X	96-14-009
16-05-005	NEW-P	96-10-080	16-06-170	NEW-C	96-11-119	16-101-570	PREP-X	96-14-009
16-05-005	NEW	96-13-082	16-06-170	NEW	96-14-086	16-101-580	PREP-X	96-14-009
16-05-010	NEW-P	96-10-080	16-06-175	NEW-P	96-06-082	16-101-590	PREP-X	96-14-009
16-05-010	NEW	96-13-082	16-06-175	NEW-C	96-11-119	16-101-600	PREP-X	96-14-009
16-05-015	NEW-P	96-10-080	16-06-175	NEW	96-14-086	16-101-610	PREP-X	96-14-009
16-05-015	NEW	96-13-082	16-06-180	NEW-P	96-06-082	16-101-620	PREP-X	96-14-009
16-05-020	NEW-P	96-10-080	16-06-180	NEW-C	96-11-119	16-101-630	PREP-X	96-14-009
16-05-020	NEW	96-13-082	16-06-180	NEW	96-14-086	16-101-640	PREP-X	96-14-009
16-05-025	NEW-P	96-10-080	16-06-185	NEW-P	96-06-082	16-101-650	PREP-X	96-14-009
16-05-025	NEW	96-13-082	16-06-185	NEW-C	96-11-119	16-101-660	PREP-X	96-14-009
16-05-030	NEW-P	96-10-080	16-06-185	NEW	96-14-086	16-101-670	PREP-X	96-14-009
16-05-030	NEW	96-13-082	16-06-190	NEW-P	96-06-082	16-101-680	PREP-X	96-14-009
16-05-035	NEW-P	96-10-080	16-06-190	NEW-C	96-11-119	16-101-700	PREP	96-13-093
16-05-035	NEW	96-13-082	16-06-190	NEW	96-14-086	16-114-001	PREP-X	96-14-017
16-05-040	NEW-P	96-10-080	16-06-195	NEW-P	96-06-082	16-114-010	PREP-X	96-14-017
16-05-040	NEW	96-13-082	16-06-195	NEW-C	96-11-119	16-114-015	PREP-X	96-14-017
16-05-045	NEW-P	96-10-080	16-06-195	NEW	96-14-086	16-114-020	PREP-X	96-14-017
16-05-045	NEW	96-13-082	16-06-200	NEW-P	96-06-082	16-114-025	PREP-X	96-14-017
16-06-010	REP-P	96-06-082	16-06-200	NEW-C	96-11-119	16-114-030	PREP-X	96-14-017
16-06-010	REP-C	96-11-119	16-06-200	NEW	96-14-086	16-114-040	PREP-X	96-14-017
16-06-010	REP	96-14-086	16-06-205	NEW-P	96-06-082	16-114-045	PREP-X	96-14-017
16-06-020	REP-P	96-06-082	16-06-205	NEW-C	96-11-119	16-114-050	PREP-X	96-14-017
16-06-020	REP-C	96-11-119	16-06-205	NEW	96-14-086	16-114-055	PREP-X	96-14-017
16-06-020	REP	96-14-086	16-06-210	NEW-P	96-06-082	16-114-060	PREP-X	96-14-017
16-06-030	REP-P	96-06-082	16-06-210	NEW-C	96-11-119	16-114-065	PREP-X	96-14-017
16-06-030	REP-C	96-11-119	16-06-210	NEW	96-14-086	16-114-070	PREP-X	96-14-017
16-06-030	REP	96-14-086	16-06-215	NEW-P	96-06-082	16-114-075	PREP-X	96-14-017
16-06-040	REP-P	96-06-082	16-06-215	NEW-C	96-11-119	16-114-080	PREP-X	96-14-017
16-06-040	REP-C	96-11-119	16-06-215	NEW	96-14-086	16-114-085	PREP-X	96-14-017
16-06-040	REP	96-14-086	16-06-220	NEW-P	96-06-082	16-114-090	PREP-X	96-14-017
16-06-050	REP-P	96-06-082	16-06-220	NEW-C	96-11-119	16-114-095	PREP-X	96-14-017
16-06-050	REP-C	96-11-119	16-06-220	NEW	96-14-086	16-114-100	PREP-X	96-14-017
16-06-050	REP	96-14-086	16-06-225	NEW-P	96-06-082	16-114-105	PREP-X	96-14-017
16-06-060	REP-P	96-06-082	16-06-225	NEW-C	96-11-119	16-114-110	PREP-X	96-14-017
16-06-060	REP-C	96-11-119	16-06-225	NEW	96-14-086	16-114-115	PREP-X	96-14-017
16-06-060	REP	96-14-086	16-06-230	NEW-P	96-06-082	16-114-120	PREP-X	96-14-017
16-06-070	REP-P	96-06-082	16-06-230	NEW-C	96-11-119	16-114-125	PREP-X	96-14-017
16-06-070	REP-C	96-11-119	16-06-230	NEW	96-14-086	16-114-130	PREP-X	96-14-017
16-06-070	REP	96-14-086	16-06-235	NEW-P	96-06-082	16-114-135	PREP-X	96-14-017
16-06-080	REP-P	96-06-082	16-06-235	NEW-C	96-11-119	16-114-140	PREP-X	96-14-017
16-06-080	REP-C	96-11-119	16-06-235	NEW	96-14-086	16-116-001	PREP-X	96-14-012
16-06-080	REP	96-14-086	16-09-001	PREP-X	96-14-072	16-116-010	PREP-X	96-14-012
16-06-090	REP-P	96-06-082	16-09-010	PREP-X	96-14-072	16-116-020	PREP-X	96-14-012
16-06-090	REP-C	96-11-119	16-09-020	PREP-X	96-14-072	16-116-030	PREP-X	96-14-012
16-06-090	REP	96-14-086	16-09-030	PREP-X	96-14-072	16-116-040	PREP-X	96-14-012
16-06-100	REP-P	96-06-082	16-09-040	PREP-X	96-14-072	16-120-001	PREP-X	96-14-014
16-06-100	REP-C	96-11-119	16-49-001	PREP-X	96-14-011	16-120-005	PREP-X	96-14-014
16-06-100	REP	96-14-086	16-49-010	PREP-X	96-14-011	16-120-010	PREP-X	96-14-014
16-06-110	REP-P	96-06-082	16-49-020	PREP-X	96-14-011	16-120-020	PREP-X	96-14-014
16-06-110	REP-C	96-11-119	16-49-030	PREP-X	96-14-011	16-120-030	PREP-X	96-14-014
16-06-110	REP	96-14-086	16-49-040	PREP-X	96-14-011	16-120-040	PREP-X	96-14-014
16-06-120	REP-P	96-06-082	16-54-082	PREP	96-13-095	16-120-050	PREP-X	96-14-014
16-06-120	REP-C	96-11-119	16-54-125	PREP	96-13-096	16-120-060	PREP-X	96-14-014
16-06-120	REP	96-14-086	16-86-015	PREP	96-13-095	16-120-070	PREP-X	96-14-014
16-06-130	REP-P	96-06-082	16-101-410	PREP-X	96-14-009	16-120-080	PREP-X	96-14-014
16-06-130	REP-C	96-11-119	16-101-420	PREP-X	96-14-009	16-120-090	PREP-X	96-14-014
16-06-130	REP	96-14-086	16-101-430	PREP-X	96-14-009	16-120-100	PREP-X	96-14-014
16-06-140	REP-P	96-06-082	16-101-440	PREP-X	96-14-009	16-120-110	PREP-X	96-14-014
16-06-140	REP-C	96-11-119	16-101-450	PREP-X	96-14-009	16-120-120	PREP-X	96-14-014
16-06-140	REP	96-14-086	16-101-455	PREP-X	96-14-009	16-120-130	PREP-X	96-14-014
16-06-150	NEW-P	96-06-082	16-101-460	PREP-X	96-14-009	16-122	PREP	96-13-092
16-06-150	NEW-C	96-11-119	16-101-465	PREP-X	96-14-009	16-124-011	PREP	96-13-091
16-06-150	NEW	96-14-086	16-101-470	PREP-X	96-14-009	16-126-001	PREP-X	96-14-014
16-06-155	NEW-P	96-06-082	16-101-475	PREP-X	96-14-009	16-128-001	PREP-X	96-14-016
16-06-155	NEW-C	96-11-119	16-101-480	PREP-X	96-14-009	16-128-010	PREP-X	96-14-016
16-06-155	NEW	96-14-086	16-101-490	PREP-X	96-14-009	16-128-020	PREP-X	96-14-016

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-128-030	PREP-X	96-14-016	16-200-650	REP-P	96-10-071	16-316	PREP	96-07-086
16-128-040	PREP-X	96-14-016	16-200-650	REP	96-15-018A	16-316-280	AMD-P	96-07-087
16-128-050	PREP-X	96-14-016	16-200-750	AMD-P	96-10-071	16-316-280	AMD-C	96-11-121
16-128-060	PREP-X	96-14-016	16-200-750	AMD	96-15-018A	16-316-280	AMD	96-14-088
16-128-070	PREP-X	96-14-016	16-200-755	NEW-P	96-10-071	16-316-315	AMD-P	96-11-120
16-128-080	PREP-X	96-14-016	16-200-755	NEW	96-15-018A	16-316-315	AMD	96-14-087
16-128-090	PREP-X	96-14-016	16-200-760	AMD-P	96-10-071	16-316-327	AMD-P	96-07-087
16-128-100	PREP-X	96-14-016	16-200-760	AMD	96-15-018A	16-316-327	AMD-C	96-11-121
16-128-110	PREP-X	96-14-016	16-200-770	AMD-P	96-10-071	16-316-327	AMD	96-14-088
16-128-120	PREP-X	96-14-016	16-200-770	AMD	96-15-018A	16-316-455	AMD-P	96-11-122
16-128-130	PREP-X	96-14-016	16-200-780	REP-P	96-10-071	16-316-455	AMD	96-14-089
16-132-001	PREP-X	96-14-014	16-200-780	REP	96-15-018A	16-316-474	AMD-P	96-11-124
16-132-010	PREP-X	96-14-014	16-200-790	AMD-P	96-10-071	16-316-474	AMD	96-14-091
16-132-020	PREP-X	96-14-014	16-200-790	AMD	96-15-018A	16-316-724	AMD-P	96-11-124
16-132-030	PREP-X	96-14-014	16-200-795	NEW-P	96-10-071	16-316-724	AMD	96-14-091
16-132-040	PREP-X	96-14-014	16-200-795	NEW	96-15-018A	16-316-921	AMD-P	96-11-123
16-132-050	PREP-X	96-14-014	16-200-800	REP-P	96-10-071	16-316-921	AMD	96-14-090
16-132-060	PREP-X	96-14-014	16-200-800	REP	96-15-018A	16-319-041	AMD-P	96-03-065
16-136-001	PREP-X	96-14-013	16-200-805	AMD-P	96-10-071	16-319-041	AMD	96-11-044
16-136-010	PREP-X	96-14-013	16-200-805	AMD	96-15-018A	16-400-040	AMD-P	96-05-071
16-136-020	PREP-X	96-14-013	16-200-810	REP-P	96-10-071	16-400-040	AMD	96-10-060
16-138-010	NEW-E	96-11-001	16-200-810	REP	96-15-018A	16-400-100	AMD-P	96-05-071
16-138-020	NEW-E	96-11-001	16-200-815	AMD-P	96-10-071	16-400-100	AMD	96-10-060
16-138-030	NEW-E	96-11-001	16-200-815	AMD	96-15-018A	16-400-210	AMD-P	96-05-071
16-138-035	NEW-E	96-11-001	16-200-830	AMD-P	96-10-071	16-400-210	AMD	96-10-060
16-138-040	NEW-E	96-11-001	16-200-830	AMD	96-15-018A	16-409-020	PREP	96-09-090
16-140-001	PREP-X	96-14-016	16-200-850	REP-P	96-10-071	16-409-030	PREP	96-09-090
16-140-010	PREP-X	96-14-016	16-200-850	REP	96-15-018A	16-409-060	PREP	96-09-090
16-140-020	PREP-X	96-14-016	16-200-860	AMD-P	96-10-071	16-409-065	PREP	96-09-090
16-140-030	PREP-X	96-14-016	16-200-860	AMD	96-15-018A	16-473-005	NEW-E	96-10-036
16-140-040	PREP-X	96-14-016	16-200-865	NEW-P	96-10-071	16-473-010	NEW-E	96-10-036
16-140-050	PREP-X	96-14-016	16-200-865	NEW	96-15-018A	16-473-015	NEW-E	96-10-036
16-140-060	PREP-X	96-14-016	16-200-870	REP-P	96-10-071	16-473-020	NEW-E	96-10-036
16-140-070	PREP-X	96-14-016	16-200-870	REP	96-15-018A	16-473-025	NEW-E	96-10-036
16-140-080	PREP-X	96-14-016	16-200-885	NEW-P	96-10-071	16-473-030	NEW-E	96-10-036
16-140-090	PREP-X	96-14-016	16-200-885	NEW	96-15-018A	16-473-035	NEW-E	96-10-036
16-140-100	PREP-X	96-14-016	16-200-887	NEW-P	96-10-071	16-529-150	AMD	96-03-151
16-144-001	PREP-X	96-14-010	16-200-887	NEW	96-15-018A	16-532-010	AMD-P	96-05-086
16-144-010	PREP-X	96-14-010	16-233-001	NEW-P	96-14-108	16-532-010	AMD	96-15-139
16-144-020	PREP-X	96-14-010	16-233-005	NEW-P	96-14-108	16-532-040	PREP	96-02-082
16-144-030	PREP-X	96-14-010	16-233-010	NEW-P	96-14-108	16-532-0402	NEW-P	96-05-086
16-144-040	PREP-X	96-14-010	16-233-020	NEW-P	96-14-108	16-532-0402	NEW	96-15-139
16-144-050	PREP-X	96-14-010	16-233-025	NEW-P	96-14-108	16-532-0404	NEW-P	96-05-086
16-144-060	PREP-X	96-14-010	16-233-100	NEW-P	96-14-108	16-532-0404	NEW	96-15-139
16-144-070	PREP-X	96-14-010	16-233-105	NEW-P	96-14-108	16-532-0406	NEW-P	96-05-086
16-144-080	PREP-X	96-14-010	16-233-110	NEW-P	96-14-108	16-532-0406	NEW	96-15-139
16-148-001	PREP-X	96-14-015	16-233-115	NEW-P	96-14-108	16-532-0408	NEW-P	96-05-086
16-148-010	PREP-X	96-14-015	16-233-120	NEW-P	96-14-108	16-532-0408	NEW	96-15-139
16-148-020	PREP-X	96-14-015	16-233-125	NEW-P	96-14-108	16-532-0410	NEW-P	96-05-086
16-148-030	PREP-X	96-14-015	16-233-130	NEW-P	96-14-108	16-532-0410	NEW	96-15-139
16-156	PREP	96-08-074	16-233-135	NEW-P	96-14-108	16-532-0412	NEW-P	96-05-086
16-168-010	NEW-P	96-05-027	16-233-140	NEW-P	96-14-108	16-532-0412	NEW	96-15-139
16-168-010	NEW	96-09-037	16-233-145	NEW-P	96-14-108	16-532-0414	NEW-P	96-05-086
16-168-020	NEW-P	96-05-027	16-233-150	NEW-P	96-14-108	16-532-0414	NEW	96-15-139
16-168-020	NEW	96-09-037	16-233-155	NEW-P	96-14-108	16-540-040	AMD	96-03-150
16-168-030	NEW-P	96-05-027	16-233-200	NEW-P	96-14-108	16-560-06001	AMD	96-07-054
16-168-030	NEW	96-09-037	16-233-205	NEW-P	96-14-108	16-750	AMD-C	96-03-093
16-168-040	NEW-P	96-05-027	16-233-210	NEW-P	96-14-108	16-750-005	AMD	96-06-030
16-168-040	NEW	96-09-037	16-233-215	NEW-P	96-14-108	16-750-011	AMD	96-06-030
16-168-050	NEW-P	96-05-027	16-233-220	NEW-P	96-14-108	16-750-015	AMD	96-06-030
16-168-050	NEW	96-09-037	16-233-225	NEW-P	96-14-108	36-08-010	PREP-X	96-13-021
16-168-060	NEW-P	96-05-027	16-233-230	NEW-P	96-14-108	36-08-020	PREP-X	96-13-021
16-168-060	NEW	96-09-037	16-233-235	NEW-P	96-14-108	36-08-030	PREP-X	96-13-021
16-168-070	NEW-P	96-05-027	16-233-240	NEW-P	96-14-108	36-08-040	PREP-X	96-13-021
16-168-070	NEW	96-09-037	16-233-245	NEW-P	96-14-108	36-08-050	PREP-X	96-13-021
16-168-080	NEW-P	96-05-027	16-233-250	NEW-P	96-14-108	36-08-060	PREP-X	96-13-021
16-168-080	NEW	96-09-037	16-233-255	NEW-P	96-14-108	36-08-070	PREP-X	96-13-021
16-168-090	NEW-P	96-05-027	16-300-010	AMD	96-04-058	36-08-080	PREP-X	96-13-021
16-168-090	NEW	96-09-037	16-304-110	AMD-P	96-09-091	36-08-090	PREP-X	96-13-021
16-168-100	NEW-P	96-05-027	16-304-110	AMD	96-12-066	36-08-100	PREP-X	96-13-021
16-168-100	NEW	96-09-037	16-304-130	AMD-P	96-09-091	36-08-110	PREP-X	96-13-021
16-200-640	REP-P	96-10-071	16-304-130	AMD	96-12-066	36-08-120	PREP-X	96-13-021
16-200-640	REP	96-15-018A	16-316	PREP	96-07-085	36-08-130	PREP-X	96-13-021

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
36-08-140	PREP-X	96-13-021	44-10-230	REP	96-03-155	50-20-140	DECOD	96-04-013
36-08-150	PREP-X	96-13-021	44-10-300	AMD	96-03-155	50-20-150	AMD	96-04-013
36-08-160	PREP-X	96-13-021	44-10-310	AMD	96-03-155	50-20-150	DECOD	96-04-013
36-08-170	PREP-X	96-13-021	44-10-320	REP	96-03-155	50-20-160	AMD	96-04-013
36-08-180	PREP-X	96-13-021	50-08-009	PREP-X	96-14-037	50-20-160	DECOD	96-04-013
36-08-190	PREP-X	96-13-021	50-08-010	PREP-X	96-14-037	50-20-170	REP	96-04-013
36-08-200	PREP-X	96-13-021	50-08-020	PREP-X	96-14-037	50-20-180	DECOD	96-04-013
36-08-210	PREP-X	96-13-021	50-08-040	PREP-X	96-14-037	50-20-190	AMD	96-04-013
36-08-220	PREP-X	96-13-021	50-08-050	PREP-X	96-14-037	50-20-190	DECOD	96-04-013
36-08-230	PREP-X	96-13-021	50-08-060	PREP-X	96-14-037	50-20-200	REP	96-04-013
36-08-240	PREP-X	96-13-021	50-08-070	PREP-X	96-14-037	50-24-010	PREP-X	96-14-040
36-08-250	PREP-X	96-13-021	50-08-080	PREP-X	96-14-037	50-24-020	PREP-X	96-14-040
36-08-260	PREP-X	96-13-021	50-08-085	PREP-X	96-14-037	50-24-030	PREP-X	96-14-040
36-08-270	PREP-X	96-13-021	50-08-090	PREP-X	96-14-037	50-24-040	PREP-X	96-14-040
36-08-280	PREP-X	96-13-021	50-08-100	PREP-X	96-14-037	50-24-050	PREP-X	96-14-040
36-08-290	PREP-X	96-13-021	50-08-110	PREP-X	96-14-037	50-24-060	PREP-X	96-14-040
36-08-300	PREP-X	96-13-021	50-08-120	PREP-X	96-14-037	50-24-070	PREP-X	96-14-040
36-08-310	PREP-X	96-13-021	50-08-130	PREP-X	96-14-037	50-24-080	PREP-X	96-14-040
36-08-320	PREP-X	96-13-021	50-08-140	PREP-X	96-14-037	50-24-090	PREP-X	96-14-040
36-08-330	PREP-X	96-13-021	50-08-150	PREP-X	96-14-037	50-24-100	PREP-X	96-14-040
36-08-340	PREP-X	96-13-021	50-08-160	PREP-X	96-14-037	50-24-110	PREP-X	96-14-040
36-08-350	PREP-X	96-13-021	50-08-170	PREP-X	96-14-037	50-24-120	PREP-X	96-14-040
36-08-360	PREP-X	96-13-021	50-08-180	PREP-X	96-14-037	50-24-130	PREP-X	96-14-040
36-08-370	PREP-X	96-13-021	50-08-190	PREP-X	96-14-037	50-24-140	PREP-X	96-14-040
36-08-380	PREP-X	96-13-021	50-08-200	PREP-X	96-14-037	50-24-150	PREP-X	96-14-040
36-08-390	PREP-X	96-13-021	50-08-210	PREP-X	96-14-037	50-24-990	PREP-X	96-14-040
36-08-400	PREP-X	96-13-021	50-08-220	PREP-X	96-14-037	50-30-005	NEW	96-03-059
36-08-410	PREP-X	96-13-021	50-08-230	PREP-X	96-14-037	50-30-005	DECOD	96-03-059
36-08-420	PREP-X	96-13-021	50-08-240	PREP-X	96-14-037	50-30-010	AMD	96-03-059
36-08-430	PREP-X	96-13-021	50-08-250	PREP-X	96-14-037	50-30-010	DECOD	96-03-059
36-08-440	PREP-X	96-13-021	50-08-260	PREP-X	96-14-037	50-30-015	NEW	96-03-059
36-08-450	PREP-X	96-13-021	50-08-270	PREP-X	96-14-037	50-30-015	DECOD	96-03-059
36-08-460	PREP-X	96-13-021	50-08-280	PREP-X	96-14-037	50-30-020	AMD	96-03-059
36-08-470	PREP-X	96-13-021	50-08-290	PREP-X	96-14-037	50-30-020	DECOD	96-03-059
36-08-480	PREP-X	96-13-021	50-08-300	PREP-X	96-14-037	50-30-025	NEW	96-03-059
36-08-490	PREP-X	96-13-021	50-08-310	PREP-X	96-14-037	50-30-025	DECOD	96-03-059
36-08-500	PREP-X	96-13-021	50-08-320	PREP-X	96-14-037	50-30-030	AMD	96-03-059
36-08-510	PREP-X	96-13-021	50-08-330	PREP-X	96-14-037	50-30-030	DECOD	96-03-059
36-08-520	PREP-X	96-13-021	50-08-340	PREP-X	96-14-037	50-30-035	NEW	96-03-059
36-08-530	PREP-X	96-13-021	50-08-350	PREP-X	96-14-037	50-30-035	DECOD	96-03-059
36-08-540	PREP-X	96-13-021	50-08-360	PREP-X	96-14-037	50-30-040	AMD	96-03-059
36-08-550	PREP-X	96-13-021	50-08-370	PREP-X	96-14-037	50-30-040	DECOD	96-03-059
36-08-560	PREP-X	96-13-021	50-08-380	PREP-X	96-14-037	50-30-050	AMD	96-03-059
36-08-570	PREP-X	96-13-021	50-08-390	PREP-X	96-14-037	50-30-050	DECOD	96-03-059
36-08-580	PREP-X	96-13-021	50-08-400	PREP-X	96-14-037	50-30-060	AMD	96-03-059
36-08-590	PREP-X	96-13-021	50-08-410	PREP-X	96-14-037	50-30-060	DECOD	96-03-059
36-12	PREP	96-11-114	50-08-420	PREP-X	96-14-037	50-30-065	NEW	96-03-059
44-10-010	AMD	96-03-155	50-08-430	PREP-X	96-14-037	50-30-065	DECOD	96-03-059
44-10-020	NEW	96-03-155	50-08-440	PREP-X	96-14-037	50-30-068	NEW	96-03-059
44-10-030	AMD	96-03-155	50-08-450	PREP-X	96-14-037	50-30-068	DECOD	96-03-059
44-10-031	NEW	96-03-155	50-08-460	PREP-X	96-14-037	50-30-070	AMD	96-03-059
44-10-040	AMD	96-03-155	50-08-470	PREP-X	96-14-037	50-30-070	DECOD	96-03-059
44-10-050	AMD	96-03-155	50-08-480	PREP-X	96-14-037	50-30-075	NEW	96-03-059
44-10-060	AMD	96-03-155	50-08-490	PREP-X	96-14-037	50-30-075	DECOD	96-03-059
44-10-070	AMD	96-03-155	50-08-500	PREP-X	96-14-037	50-30-080	AMD	96-03-059
44-10-080	AMD	96-03-155	50-08-510	PREP-X	96-14-037	50-30-080	DECOD	96-03-059
44-10-090	AMD	96-03-155	50-08-520	PREP-X	96-14-037	50-30-085	NEW	96-03-059
44-10-100	AMD	96-03-155	50-08-530	PREP-X	96-14-037	50-30-085	DECOD	96-03-059
44-10-110	AMD	96-03-155	50-08-540	PREP-X	96-14-037	50-30-090	AMD	96-03-059
44-10-120	AMD	96-03-155	50-08-550	PREP-X	96-14-037	50-30-090	DECOD	96-03-059
44-10-130	AMD	96-03-155	50-08-560	PREP-X	96-14-037	50-30-095	NEW	96-03-059
44-10-140	AMD	96-03-155	50-08-570	PREP-X	96-14-037	50-30-095	DECOD	96-03-059
44-10-150	AMD	96-03-155	50-08-580	PREP-X	96-14-037	50-30-100	AMD	96-03-059
44-10-160	AMD	96-03-155	50-08-590	PREP-X	96-14-037	50-30-100	DECOD	96-03-059
44-10-165	REP	96-03-155	50-20-100	AMD	96-04-013	50-30-110	REP	96-03-059
44-10-170	AMD	96-03-155	50-20-100	DECOD	96-04-013	50-40-010	PREP-X	96-14-041
44-10-180	AMD	96-03-155	50-20-110	AMD	96-04-013	50-40-020	PREP-X	96-14-041
44-10-200	AMD	96-03-155	50-20-110	DECOD	96-04-013	50-40-040	PREP-X	96-14-041
44-10-210	AMD	96-03-155	50-20-120	AMD	96-04-013	50-40-050	PREP-X	96-14-041
44-10-220	REP	96-03-155	50-20-120	DECOD	96-04-013	50-40-060	PREP-X	96-14-041
44-10-221	NEW	96-03-155	50-20-130	AMD	96-04-013	50-40-070	PREP-X	96-14-041
44-10-222	NEW	96-03-155	50-20-130	DECOD	96-04-013	50-40-990	PREP-X	96-14-041
44-10-223	NEW	96-03-155	50-20-140	AMD	96-04-013	50-44-020	AMD	96-04-022

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
50-44-025	NEW	96-04-022	55-01-050	REP	96-15-024	132V-24-030	AMD-P	96-12-006
50-60-010	DECOD	96-04-028	55-01-060	AMD-E	96-03-104	132V-24-040	AMD-P	96-12-006
50-60-020	DECOD	96-04-028	55-01-060	REP-P	96-09-102	132V-24-090	AMD-P	96-12-006
50-60-030	DECOD	96-04-028	55-01-060	AMD-E	96-11-097	132V-24-120	AMD-P	96-12-006
50-60-035	DECOD	96-04-028	55-01-060	REP-W	96-15-008	132V-130	PREP	96-09-050C
50-60-040	DECOD	96-04-028	55-01-060	REP	96-15-024	132V-130-010	NEW-P	96-12-007
50-60-042	DECOD	96-04-028	55-01-070	AMD-E	96-03-104	132V-130-020	NEW-P	96-12-007
50-60-045	DECOD	96-04-028	55-01-070	REP-P	96-09-102	132V-130-030	NEW-P	96-12-007
50-60-050	DECOD	96-04-028	55-01-070	AMD-E	96-11-097	132Z-104-010	NEW-P	96-09-074
50-60-060	DECOD	96-04-028	55-01-070	REP-W	96-15-008	132Z-104-010	NEW	96-14-098
50-60-070	DECOD	96-04-028	55-01-070	REP	96-15-024	132Z-104-020	NEW-P	96-09-074
50-60-080	DECOD	96-04-028	55-01-080	REP-W	96-15-008	132Z-104-020	NEW	96-14-098
50-60-08005	DECOD	96-04-028	67-35-910	AMD-P	96-08-026	132Z-104-030	NEW-P	96-09-074
50-60-08010	DECOD	96-04-028	67-35-910	AMD	96-11-096	132Z-104-030	NEW	96-14-098
50-60-08015	DECOD	96-04-028	82-05-010	NEW	96-03-048	132Z-108-010	NEW-P	96-09-074
50-60-08020	DECOD	96-04-028	82-05-020	NEW	96-03-048	132Z-108-010	NEW	96-14-098
50-60-08025	DECOD	96-04-028	82-05-030	NEW	96-03-048	132Z-108-020	NEW-P	96-09-074
50-60-08030	DECOD	96-04-028	82-05-040	NEW	96-03-048	132Z-108-020	NEW	96-14-098
50-60-08035	DECOD	96-04-028	82-05-050	NEW	96-03-048	132Z-108-030	NEW-P	96-09-074
50-60-08040	DECOD	96-04-028	82-50-021	AMD-P	96-12-037	132Z-108-030	NEW	96-14-098
50-60-085	DECOD	96-04-028	82-50-021	AMD	96-15-039	132Z-108-040	NEW-P	96-09-074
50-60-090	DECOD	96-04-028	82-54-010	AMD-E	96-15-076	132Z-108-040	NEW	96-14-098
50-60-09005	DECOD	96-04-028	82-54-010	PREP	96-15-125	132Z-108-050	NEW-P	96-09-074
50-60-09010	DECOD	96-04-028	131-28-026	AMD	96-03-049	132Z-108-050	NEW	96-14-098
50-60-09015	DECOD	96-04-028	132D-120-055	PREP	96-10-016	132Z-108-060	NEW-P	96-09-074
50-60-09020	DECOD	96-04-028	132D-120-055	NEW-P	96-15-061	132Z-108-060	NEW	96-14-098
50-60-100	DECOD	96-04-028	132N-276	PREP	96-03-101	132Z-108-070	NEW-P	96-09-074
50-60-110	DECOD	96-04-028	132N-276-005	AMD-P	96-07-029	132Z-108-070	NEW	96-14-098
50-60-120	DECOD	96-04-028	132N-276-005	AMD	96-12-041	132Z-108-080	NEW-P	96-09-074
50-60-125	DECOD	96-04-028	132N-276-010	AMD-P	96-07-029	132Z-108-080	NEW	96-14-098
50-60-130	DECOD	96-04-028	132N-276-010	AMD	96-12-041	132Z-122-010	NEW-P	96-09-074
50-60-140	DECOD	96-04-028	132N-276-020	AMD-P	96-07-029	132Z-122-010	NEW	96-14-098
50-60-145	DECOD	96-04-028	132N-276-020	AMD	96-12-041	132Z-122-020	NEW-P	96-09-074
50-60-150	DECOD	96-04-028	132N-276-030	AMD-P	96-07-029	132Z-122-020	NEW	96-14-098
50-60-160	DECOD	96-04-028	132N-276-030	AMD	96-12-041	132Z-122-030	NEW-P	96-09-074
50-60-165	DECOD	96-04-028	132N-276-040	AMD-P	96-07-029	132Z-122-030	NEW	96-14-098
50-60-170	DECOD	96-04-028	132N-276-040	AMD	96-12-041	132Z-133-010	NEW-P	96-09-074
50-60-190	DECOD	96-04-028	132N-276-050	AMD-P	96-07-029	132Z-133-010	NEW	96-14-098
50-60-200	DECOD	96-04-028	132N-276-050	AMD	96-12-041	132Z-134-010	NEW-P	96-09-074
50-60-210	DECOD	96-04-028	132N-276-060	AMD-P	96-07-029	132Z-134-010	NEW	96-14-098
51-32	PREP	96-15-083	132N-276-060	AMD	96-12-041	132Z-276-010	NEW-P	96-09-074
51-32-1118	NEW-E	96-13-047	132N-276-070	AMD-P	96-07-029	132Z-276-010	NEW	96-14-098
51-32-1119	NEW-E	96-13-047	132N-276-070	AMD	96-12-041	132Z-276-020	NEW-P	96-09-074
51-34	PREP	96-15-083	132N-276-080	AMD-P	96-07-029	132Z-276-020	NEW	96-14-098
51-34-6308	NEW-E	96-13-047	132N-276-080	AMD	96-12-041	132Z-276-030	NEW-P	96-09-074
51-34-6309	NEW-E	96-13-047	132N-276-090	AMD-P	96-07-029	132Z-276-030	NEW	96-14-098
55-01-001	REP-P	96-09-102	132N-276-090	AMD	96-12-041	132Z-276-040	NEW-P	96-09-074
55-01-001	REP-W	96-15-008	132N-276-100	AMD-P	96-07-029	132Z-276-040	NEW	96-14-098
55-01-001	REP	96-15-024	132N-276-100	AMD	96-12-041	132Z-276-050	NEW-P	96-09-074
55-01-010	AMD-E	96-03-104	132N-276-110	AMD-P	96-07-029	132Z-276-050	NEW	96-14-098
55-01-010	REP-P	96-09-102	132N-276-110	AMD	96-12-041	132Z-276-060	NEW-P	96-09-074
55-01-010	AMD-E	96-11-097	132N-276-120	AMD-P	96-07-029	132Z-276-060	NEW	96-14-098
55-01-010	REP-W	96-15-008	132N-276-120	AMD	96-12-041	132Z-276-070	NEW-P	96-09-074
55-01-010	REP	96-15-024	132N-276-130	AMD-P	96-07-029	132Z-276-070	NEW	96-14-098
55-01-020	AMD-E	96-03-104	132N-276-130	AMD	96-12-041	132Z-276-080	NEW-P	96-09-074
55-01-020	REP-P	96-09-102	132N-276-140	AMD-P	96-07-029	132Z-276-080	NEW	96-14-098
55-01-020	AMD-E	96-11-097	132N-276-140	AMD	96-12-041	132Z-276-090	NEW-P	96-09-074
55-01-020	REP-W	96-15-008	132N-276-150	AMD-P	96-07-029	132Z-276-090	NEW	96-14-098
55-01-020	REP	96-15-024	132N-276-150	AMD	96-12-041	132Z-276-100	NEW-P	96-09-074
55-01-030	AMD-E	96-03-104	132V-11	PREP	96-09-050	132Z-276-100	NEW	96-14-098
55-01-030	REP-P	96-09-102	132V-15	PREP	96-09-050A	132Z-276-110	NEW-P	96-09-074
55-01-030	AMD-E	96-11-097	132V-15-010	AMD-P	96-12-005	132Z-276-110	NEW	96-14-098
55-01-030	REP-W	96-15-008	132V-15-020	AMD-P	96-12-005	132Z-276-120	NEW-P	96-09-074
55-01-030	REP	96-15-024	132V-15-030	AMD-P	96-12-005	132Z-276-120	NEW	96-14-098
55-01-040	AMD-E	96-03-104	132V-15-040	AMD-P	96-12-005	132Z-276-130	NEW-P	96-09-074
55-01-040	REP-P	96-09-102	132V-15-050	AMD-P	96-12-005	132Z-276-130	NEW	96-14-098
55-01-040	AMD-E	96-11-097	132V-15-060	AMD-P	96-12-005	132Z-276-140	NEW-P	96-09-074
55-01-040	REP-W	96-15-008	132V-15-070	AMD-P	96-12-005	132Z-276-140	NEW	96-14-098
55-01-040	REP	96-15-024	132V-15-090	AMD-P	96-12-005	132Z-300-010	NEW-P	96-09-074
55-01-050	AMD-E	96-03-104	132V-15-100	AMD-P	96-12-005	132Z-300-010	NEW	96-14-098
55-01-050	REP-P	96-09-102	132V-15-110	AMD-P	96-12-005	132Z-300-020	NEW-P	96-09-074
55-01-050	AMD-E	96-11-097	132V-15-120	AMD-P	96-12-005	132Z-300-020	NEW	96-14-098
55-01-050	REP-W	96-15-008	132V-24	PREP	96-09-050B	132Z-300-030	NEW-P	96-09-074

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132Z-300-030	NEW	96-14-098	136-28-030	AMD-P	96-11-052	137-08	PREP	96-07-099
132Z-300-040	NEW-P	96-09-074	136-40-030	AMD-P	96-11-052	139-01-810	AMD-P	96-03-025
132Z-300-040	NEW	96-14-098	136-40-040	AMD-P	96-11-052	139-01-810	AMD	96-08-008
132Z-310-010	NEW-P	96-09-074	136-40-050	REP-P	96-11-052	154	PREP	96-06-079
132Z-310-010	NEW	96-14-098	136-40-060	REP-P	96-11-052	154-01-010	REP-P	96-13-100
132Z-310-020	NEW-P	96-09-074	136-60	AMD-P	96-11-052	154-04-010	REP-P	96-13-100
132Z-310-020	NEW	96-14-098	136-60-010	AMD-P	96-11-052	154-04-020	REP-P	96-13-100
132Z-310-030	NEW-P	96-09-074	136-60-030	AMD-P	96-11-052	154-04-030	REP-P	96-13-100
132Z-310-030	NEW	96-14-098	136-60-060	AMD-P	96-11-052	154-04-041	REP-P	96-13-100
132Z-310-040	NEW-P	96-09-074	136-100-010	AMD-P	96-11-052	154-04-050	REP-P	96-13-100
132Z-310-040	NEW	96-14-098	136-100-020	AMD-P	96-11-052	154-04-065	REP-P	96-13-100
132Z-325-010	NEW-P	96-09-074	136-100-030	AMD-P	96-11-052	154-04-070	REP-P	96-13-100
132Z-325-010	NEW	96-14-098	136-100-040	AMD-P	96-11-052	154-04-075	REP-P	96-13-100
136-01	AMD-P	96-11-052	136-110-010	AMD-P	96-11-052	154-04-080	REP-P	96-13-100
136-01-010	AMD-P	96-11-052	136-110-030	AMD-P	96-11-052	154-04-100	REP-P	96-13-100
136-02	AMD-P	96-11-052	136-110-040	AMD-P	96-11-052	154-08-010	REP-P	96-13-100
136-02-010	AMD-P	96-11-052	136-110-050	AMD-P	96-11-052	154-08-020	REP-P	96-13-100
136-02-020	AMD-P	96-11-052	136-120	AMD-P	96-11-052	154-08-030	REP-P	96-13-100
136-02-030	REP-P	96-11-052	136-120-010	AMD-P	96-11-052	154-08-040	REP-P	96-13-100
136-04	AMD-P	96-11-052	136-120-020	AMD-P	96-11-052	154-08-050	REP-P	96-13-100
136-04-010	AMD-P	96-11-052	136-120-030	AMD-P	96-11-052	154-12-010	REP-P	96-13-100
136-04-020	AMD-P	96-11-052	136-130	AMD-P	96-11-052	154-12-015	REP-P	96-13-100
136-04-030	AMD-P	96-11-052	136-130-010	AMD-P	96-11-052	154-12-020	REP-P	96-13-100
136-04-040	AMD-P	96-11-052	136-130-040	AMD-P	96-11-052	154-12-030	REP-P	96-13-100
136-04-050	AMD-P	96-11-052	136-150-010	AMD-P	96-11-052	154-12-040	REP-P	96-13-100
136-04-055	AMD-P	96-11-052	136-150-020	AMD-P	96-11-052	154-12-050	REP-P	96-13-100
136-04-060	AMD-P	96-11-052	136-150-022	AMD-P	96-11-052	154-12-070	REP-P	96-13-100
136-04-070	AMD-P	96-11-052	136-150-023	AMD-P	96-11-052	154-12-075	REP-P	96-13-100
136-04-080	AMD-P	96-11-052	136-161-060	AMD-P	96-11-052	154-12-080	REP-P	96-13-100
136-04-090	AMD-P	96-11-052	136-161-070	AMD-P	96-11-052	154-12-085	REP-P	96-13-100
136-04-100	AMD-P	96-11-052	136-161-100	REP-P	96-11-052	154-12-086	REP-P	96-13-100
136-04-110	NEW-P	96-11-052	136-163-010	NEW-P	96-11-051	154-12-087	REP-P	96-13-100
136-10	AMD-P	96-11-052	136-163-020	NEW-P	96-11-051	154-12-090	REP-P	96-13-100
136-10-020	AMD-P	96-11-052	136-163-030	NEW-P	96-11-051	154-12-110	REP-P	96-13-100
136-10-030	AMD-P	96-11-052	136-163-040	NEW-P	96-11-051	154-24-010	REP-P	96-13-100
136-11-010	AMD-P	96-11-052	136-163-050	NEW-P	96-11-051	154-28-010	REP-P	96-13-100
136-11-020	AMD-P	96-11-052	136-163-060	NEW-P	96-11-051	154-32-010	REP-P	96-13-100
136-11-030	AMD-P	96-11-052	136-170-010	AMD-P	96-11-052	154-32-020	REP-P	96-13-100
136-12	AMD-P	96-11-052	136-170-030	AMD-P	96-11-052	154-36-010	REP-P	96-13-100
136-12-010	AMD-P	96-11-052	136-180-010	AMD-P	96-11-052	154-40-010	REP-P	96-13-100
136-12-070	AMD-P	96-11-052	136-180-030	AMD-P	96-11-052	154-44-010	REP-P	96-13-100
136-12-080	AMD-P	96-11-052	136-180-040	AMD-P	96-11-052	154-48-010	REP-P	96-13-100
136-14-030	AMD-P	96-11-052	136-190-010	AMD-P	96-11-052	154-52-010	REP-P	96-13-100
136-14-040	AMD-P	96-11-052	136-200	AMD-P	96-11-052	154-56-010	REP-P	96-13-100
136-14-050	AMD-P	96-11-052	136-200-010	AMD-P	96-11-052	154-60-010	REP-P	96-13-100
136-14-060	AMD-P	96-11-052	136-200-020	AMD-P	96-11-052	154-64-010	REP-P	96-13-100
136-15	AMD-P	96-11-052	136-210-010	AMD-P	96-11-052	154-64-020	REP-P	96-13-100
136-15-010	AMD-P	96-11-052	136-210-020	AMD-P	96-11-052	154-64-030	REP-P	96-13-100
136-15-020	AMD-P	96-11-052	136-210-030	AMD-P	96-11-052	154-64-040	REP-P	96-13-100
136-16	AMD-P	96-11-052	136-210-040	AMD-P	96-11-052	154-64-050	REP-P	96-13-100
136-16-010	AMD-P	96-11-052	136-210-050	AMD-P	96-11-052	154-64-060	REP-P	96-13-100
136-16-020	AMD-P	96-11-052	136-220-010	AMD-P	96-11-052	154-68-010	REP-P	96-13-100
136-16-022	AMD-P	96-11-052	136-220-030	AMD-P	96-11-052	154-68-020	REP-P	96-13-100
136-16-030	AMD-P	96-11-052	136-250-010	REP-P	96-11-052	154-110-010	REP-P	96-13-100
136-16-042	AMD-P	96-11-052	136-250-020	REP-P	96-11-052	154-110-015	REP-P	96-13-100
136-16-050	AMD-P	96-11-052	136-250-030	REP-P	96-11-052	154-110-020	REP-P	96-13-100
136-18	AMD-P	96-11-052	136-250-040	REP-P	96-11-052	154-110-030	REP-P	96-13-100
136-18-010	AMD-P	96-11-052	136-250-050	REP-P	96-11-052	154-120-010	REP-P	96-13-100
136-18-020	AMD-P	96-11-052	136-300	AMD-P	96-11-052	154-120-015	REP-P	96-13-100
136-18-030	AMD-P	96-11-052	136-300-010	AMD-P	96-11-052	154-120-020	REP-P	96-13-100
136-18-060	AMD-P	96-11-052	136-300-020	AMD-P	96-11-052	154-120-025	REP-P	96-13-100
136-18-070	AMD-P	96-11-052	136-310-010	AMD-P	96-11-052	154-120-030	REP-P	96-13-100
136-18-080	AMD-P	96-11-052	136-310-020	AMD-P	96-11-052	154-120-035	REP-P	96-13-100
136-18-090	AMD-P	96-11-052	136-310-050	AMD-P	96-11-052	154-120-040	REP-P	96-13-100
136-20	AMD-P	96-11-052	136-340	AMD-P	96-11-052	154-120-045	REP-P	96-13-100
136-20-020	AMD-P	96-11-052	136-340-020	AMD-P	96-11-052	154-120-050	REP-P	96-13-100
136-20-030	AMD-P	96-11-052	136-340-030	AMD-P	96-11-052	154-120-055	REP-P	96-13-100
136-20-040	AMD-P	96-11-052	136-340-040	AMD-P	96-11-052	154-130-010	REP-P	96-13-100
136-20-050	AMD-P	96-11-052	136-400-010	AMD-P	96-11-052	154-130-020	REP-P	96-13-100
136-20-060	AMD-P	96-11-052	136-400-060	AMD-P	96-11-052	154-130-030	REP-P	96-13-100
136-24-010	REP-P	96-11-052	136-400-100	AMD-P	96-11-052	154-140-010	REP-P	96-13-100
136-28-010	AMD-P	96-11-052	136-400-110	AMD-P	96-11-052	154-140-020	REP-P	96-13-100
136-28-020	AMD-P	96-11-052	136-400-120	AMD-P	96-11-052	154-140-030	REP-P	96-13-100

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154-150-020	REP-P	96-13-100	162-12-140	AMD-P	96-08-055	173-14-020	REP-P	96-13-103
154-150-030	REP-P	96-13-100	162-12-150	AMD-P	96-08-055	173-14-030	REP-P	96-13-103
154-150-040	REP-P	96-13-100	162-12-160	AMD-P	96-08-055	173-14-040	REP-P	96-13-103
154-150-050	REP-P	96-13-100	162-12-170	AMD-P	96-08-055	173-14-050	REP-P	96-13-103
154-160-010	REP-P	96-13-100	162-12-180	AMD-P	96-08-055	173-14-055	REP-P	96-13-103
154-160-020	REP-P	96-13-100	162-22	AMD-P	96-08-055	173-14-060	REP-P	96-13-103
154-170-010	REP-P	96-13-100	162-22-010	AMD-P	96-08-055	173-14-062	REP-P	96-13-103
154-180-010	REP-P	96-13-100	162-22-020	AMD-P	96-08-055	173-14-064	REP-P	96-13-103
154-180-020	REP-P	96-13-100	162-22-030	REP-P	96-08-055	173-14-070	REP-P	96-13-103
154-180-030	REP-P	96-13-100	162-22-040	REP-P	96-08-055	173-14-080	REP-P	96-13-103
154-180-040	REP-P	96-13-100	162-22-050	AMD-P	96-08-055	173-14-090	REP-P	96-13-103
154-180-050	REP-P	96-13-100	162-22-060	AMD-P	96-08-055	173-14-100	REP-P	96-13-103
154-180-060	REP-P	96-13-100	162-22-070	AMD-P	96-08-055	173-14-110	REP-P	96-13-103
154-180-070	REP-P	96-13-100	162-22-080	AMD-P	96-08-055	173-14-115	REP-P	96-13-103
154-190-010	REP-P	96-13-100	162-22-090	AMD-P	96-08-055	173-14-120	REP-P	96-13-103
154-200-010	REP-P	96-13-100	162-22-100	NEW-P	96-08-055	173-14-130	REP-P	96-13-103
154-200-020	REP-P	96-13-100	162-30	AMD-P	96-08-055	173-14-140	REP-P	96-13-103
154-200-030	REP-P	96-13-100	162-30-010	AMD-P	96-08-055	173-14-150	REP-P	96-13-103
154-200-040	REP-P	96-13-100	162-30-020	AMD-P	96-08-055	173-14-155	REP-P	96-13-103
154-300-005	REP-P	96-13-100	162-30-030	NEW-P	96-08-055	173-14-170	REP-P	96-13-103
154-300-010	REP-P	96-13-100	162-30-035	NEW-P	96-08-055	173-14-174	REP-P	96-13-103
154-300-020	REP-P	96-13-100	162-30-040	NEW-P	96-08-055	173-17-010	REP-P	96-13-103
154-300-030	REP-P	96-13-100	162-30-050	NEW-P	96-08-055	173-17-020	REP-P	96-13-103
154-300-040	REP-P	96-13-100	162-30-060	NEW-P	96-08-055	173-17-030	REP-P	96-13-103
154-300-050	REP-P	96-13-100	162-30-070	NEW-P	96-08-055	173-17-040	REP-P	96-13-103
154-300-060	REP-P	96-13-100	162-30-080	NEW-P	96-08-055	173-17-050	REP-P	96-13-103
154-300-070	REP-P	96-13-100	162-30-090	NEW-P	96-08-055	173-17-060	REP-P	96-13-103
154-300-080	REP-P	96-13-100	162-30-100	NEW-P	96-08-055	173-17-070	REP-P	96-13-103
154-300-090	REP-P	96-13-100	162-36	PREP	96-02-081	173-17-080	REP-P	96-13-103
154-300-100	REP-P	96-13-100	162-36-001	NEW-P	96-06-087	173-19-010	REP-P	96-13-103
154-300-110	REP-P	96-13-100	162-36-001	NEW	96-13-045	173-19-020	REP-P	96-13-103
154-300-120	REP-P	96-13-100	162-36-005	NEW-P	96-06-087	173-19-030	REP-P	96-13-103
162-04	PREP	96-02-081	162-36-005	NEW	96-13-045	173-19-040	REP-P	96-13-103
162-08	PREP	96-02-081	162-36-006	NEW-P	96-06-087	173-19-044	REP-P	96-13-103
162-08-061	AMD-P	96-06-087	162-36-006	NEW	96-13-045	173-19-050	REP-P	96-13-103
162-08-061	AMD	96-13-045	162-36-010	AMD-P	96-06-087	173-19-060	REP-P	96-13-103
162-08-062	AMD-P	96-06-087	162-36-010	AMD	96-13-045	173-19-061	REP-P	96-13-103
162-08-062	AMD	96-13-045	162-36-020	AMD-P	96-06-087	173-19-062	REP-P	96-13-103
162-08-071	AMD-P	96-06-087	162-36-020	AMD	96-13-045	173-19-064	REP-P	96-13-103
162-08-071	AMD	96-13-045	162-38	PREP	96-02-081	173-19-070	REP-P	96-13-103
162-08-072	AMD-P	96-06-087	162-38-010	AMD-P	96-06-087	173-19-080	REP-P	96-13-103
162-08-072	AMD	96-13-045	162-38-010	AMD	96-13-045	173-19-090	REP-P	96-13-103
162-08-093	AMD-P	96-06-087	162-38-020	REP-P	96-06-087	173-19-100	REP-P	96-13-103
162-08-093	AMD	96-13-045	162-38-020	REP	96-13-045	173-19-1001	REP-P	96-13-103
162-08-094	AMD-P	96-06-087	162-38-030	REP-P	96-06-087	173-19-1002	REP-P	96-13-103
162-08-094	AMD	96-13-045	162-38-030	REP	96-13-045	173-19-110	REP-P	96-13-103
162-08-09401	NEW-P	96-06-087	162-38-035	AMD-P	96-06-087	173-19-1101	REP-P	96-13-103
162-08-09401	NEW	96-13-045	162-38-035	AMD	96-13-045	173-19-1102	REP-P	96-13-103
162-08-099	AMD-P	96-06-087	162-38-040	AMD-P	96-06-087	173-19-1103	REP-P	96-13-103
162-08-099	AMD	96-13-045	162-38-040	AMD	96-13-045	173-19-1104	REP-P	96-13-103
162-08-102	AMD-P	96-06-087	162-38-050	AMD-P	96-06-087	173-19-1105	REP-P	96-13-103
162-08-102	AMD	96-13-045	162-38-050	AMD	96-13-045	173-19-120	REP-P	96-13-103
162-08-104	AMD-P	96-06-087	162-38-060	AMD-P	96-06-087	173-19-1201	REP-P	96-13-103
162-08-104	AMD	96-13-045	162-38-060	AMD	96-13-045	173-19-1202	REP-P	96-13-103
162-08-106	AMD-P	96-06-087	162-38-070	AMD-P	96-06-087	173-19-1203	REP-P	96-13-103
162-08-106	AMD	96-13-045	162-38-070	AMD	96-13-045	173-19-1204	REP-P	96-13-103
162-08-107	NEW-P	96-06-087	162-38-080	AMD-P	96-06-087	173-19-1205	REP-P	96-13-103
162-08-107	NEW	96-13-045	162-38-080	AMD	96-13-045	173-19-130	REP-P	96-13-103
162-08-261	AMD-P	96-06-087	162-38-090	AMD-P	96-06-087	173-19-1301	REP-P	96-13-103
162-08-261	AMD	96-13-045	162-38-090	AMD	96-13-045	173-19-140	REP-P	96-13-103
162-08-268	AMD-P	96-06-087	162-38-100	AMD-P	96-06-087	173-19-1401	REP-P	96-13-103
162-08-268	AMD	96-13-045	162-38-100	AMD-W	96-13-044	173-19-1402	REP-P	96-13-103
162-08-288	AMD-P	96-06-087	162-38-110	AMD-P	96-06-087	173-19-1403	REP-P	96-13-103
162-08-288	AMD	96-13-045	162-38-110	AMD	96-13-045	173-19-1404	REP-P	96-13-103
162-08-298	AMD-P	96-06-087	162-38-120	AMD-P	96-06-087	173-19-1405	REP-P	96-13-103
162-08-298	AMD	96-13-045	162-38-120	AMD	96-13-045	173-19-150	REP-P	96-13-103
162-08-305	AMD-P	96-06-087	173-09-010	AMD-P	96-11-136	173-19-1501	REP-P	96-13-103
162-08-305	AMD	96-13-045	173-09-010	AMD	96-15-104	173-19-1502	REP-P	96-13-103
162-12-100	AMD-P	96-08-055	173-09-020	AMD-P	96-11-136	173-19-160	REP-P	96-13-103
162-12-110	REP-P	96-08-055	173-09-020	AMD	96-15-104	173-19-1601	REP-P	96-13-103
162-12-120	AMD-P	96-08-055	173-09-040	NEW-P	96-11-136	173-19-1602	REP-P	96-13-103
162-12-130	AMD-P	96-08-055	173-09-040	NEW	96-15-104	173-19-1603	REP-P	96-13-103



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-27-070	NEW-P	96-13-103	173-354-515	NEW-W	96-05-020	174-120-090	REP-P	96-08-066
173-27-080	NEW-P	96-13-103	173-354-525	NEW-W	96-05-020	174-120-090	REP	96-13-086
173-27-090	NEW-P	96-13-103	173-354-535	NEW-W	96-05-020	174-122-010	PREP-X	96-14-007
173-27-100	NEW-P	96-13-103	173-354-545	NEW-W	96-05-020	174-122-020	PREP-X	96-14-007
173-27-110	NEW-P	96-13-103	173-354-555	NEW-W	96-05-020	174-122-030	PREP-X	96-14-007
173-27-120	NEW-P	96-13-103	173-354-600	NEW-W	96-05-020	174-122-040	PREP-X	96-14-007
173-27-130	NEW-P	96-13-103	173-354-620	NEW-W	96-05-020	180-16-238	PREP	96-04-070
173-27-140	NEW-P	96-13-103	173-354-640	NEW-W	96-05-020	180-16-238	NEW-P	96-07-046
173-27-150	NEW-P	96-13-103	173-354-660	NEW-W	96-05-020	180-16-238	NEW	96-11-111
173-27-160	NEW-P	96-13-103	173-354-670	NEW-W	96-05-020	180-20	PREP	96-08-060
173-27-170	NEW-P	96-13-103	173-354-680	NEW-W	96-05-020	180-20-005	AMD-P	96-12-089
173-27-180	NEW-P	96-13-103	173-354-700	NEW-W	96-05-020	180-20-045	AMD-P	96-12-089
173-27-190	NEW-P	96-13-103	173-354-720	NEW-W	96-05-020	180-27-056	PREP	96-13-011
173-27-200	NEW-P	96-13-103	173-354-800	NEW-W	96-05-020	180-40	PREP	96-10-003
173-27-210	NEW-P	96-13-103	173-354-900	NEW-W	96-05-020	180-40-205	AMD-P	96-12-088
173-27-220	NEW-P	96-13-103	173-354-990	NEW-W	96-05-020	180-40-205	AMD	96-15-098
173-27-240	NEW-P	96-13-103	173-400	PREP	96-12-080	180-40-240	AMD-P	96-08-061
173-27-250	NEW-P	96-13-103	173-400	AMD-C	96-13-081	180-40-240	AMD-W	96-09-025
173-27-260	NEW-P	96-13-103	173-400-030	AMD-P	96-06-036	180-40-240	AMD-P	96-12-088
173-27-270	NEW-P	96-13-103	173-400-045	AMD-P	96-06-036	180-40-240	AMD	96-15-098
173-27-280	NEW-P	96-13-103	173-400-070	AMD-P	96-06-036	180-40-255	AMD-P	96-08-061
173-27-290	NEW-P	96-13-103	173-400-075	AMD-P	96-06-036	180-40-255	AMD-W	96-09-025
173-27-300	NEW-P	96-13-103	173-400-105	AMD-P	96-06-036	180-40-255	AMD-P	96-12-088
173-27-310	NEW-P	96-13-103	173-400-115	AMD-P	96-06-036	180-40-255	AMD	96-15-098
173-27-990	NEW-P	96-13-103	173-400-116	AMD-P	96-06-036	180-40-310	AMD-P	96-08-061
173-28-010	PREP-X	96-14-031	173-400-141	AMD-P	96-06-036	180-40-310	AMD-W	96-09-025
173-28-020	PREP-X	96-14-031	173-401	PREP	96-11-134	180-40-310	AMD-P	96-12-088
173-28-030	PREP-X	96-14-031	173-401	PREP-W	96-14-052	180-40-310	AMD	96-15-098
173-28-040	PREP-X	96-14-031	173-422	PREP	96-15-134	180-40-315	AMD-P	96-08-061
173-28-050	PREP-X	96-14-031	173-422-030	AMD-P	96-12-023	180-40-315	AMD-W	96-09-025
173-28-060	PREP-X	96-14-031	173-422-050	AMD-P	96-12-023	180-40-315	AMD-P	96-12-088
173-28-070	PREP-X	96-14-031	173-422-060	AMD-P	96-12-023	180-40-315	AMD	96-15-098
173-28-080	PREP-X	96-14-031	173-422-070	AMD-P	96-12-023	180-40-317	NEW-P	96-08-061
173-145-100	AMD-E	96-09-007	173-422-170	AMD-P	96-12-023	180-40-317	NEW-W	96-09-025
173-224-040	AMD	96-03-041	173-422-190	AMD-P	96-12-023	180-40-317	NEW-P	96-12-088
173-224-050	AMD	96-03-041	173-430	PREP	96-12-081	180-40-317	NEW	96-15-098
173-224-070	REP	96-03-041	173-430-040	AMD-E	96-08-041	180-40-320	AMD-P	96-08-061
173-224-090	AMD	96-03-041	173-492	PREP	96-11-135	180-40-320	AMD-W	96-09-025
173-303-515	REP-W	96-05-020	173-492-010	AMD-P	96-14-084	180-40-320	AMD-P	96-12-088
173-330-010	REP-W	96-05-020	173-492-050	AMD-P	96-14-084	180-40-320	AMD	96-15-098
173-330-020	REP-W	96-05-020	173-492-070	AMD-P	96-14-084	180-51-050	AMD-P	96-04-071
173-330-030	REP-W	96-05-020	173-806	PREP	96-06-018	180-51-050	AMD-C	96-09-010
173-330-040	REP-W	96-05-020	174-120	PREP	96-03-138	180-51-050	AMD	96-09-027
173-330-050	REP-W	96-05-020	174-120-010	REP-P	96-08-066	180-75-047	AMD	96-08-022
173-330-060	REP-W	96-05-020	174-120-010	REP	96-13-086	180-78-145	PREP	96-13-051
173-330-070	REP-W	96-05-020	174-120-015	NEW-P	96-08-066	180-78-160	PREP	96-07-102
173-330-900	REP-W	96-05-020	174-120-015	NEW	96-13-086	180-78-160	AMD-P	96-12-086
173-340-200	AMD	96-04-010	174-120-025	NEW-P	96-08-066	180-79-086	AMD-P	96-04-047
173-340-440	AMD	96-04-010	174-120-025	NEW	96-13-086	180-79-086	AMD	96-08-023
173-340-530	AMD	96-04-010	174-120-030	REP-P	96-08-066	180-79-230	AMD	96-08-022
173-340-700	AMD	96-04-010	174-120-030	REP	96-13-086	180-79-311	AMD-P	96-04-048
173-340-706	AMD	96-04-010	174-120-035	NEW-P	96-08-066	180-79-311	AMD	96-08-024
173-340-740	AMD	96-04-010	174-120-035	NEW	96-13-086	180-79-334	AMD-P	96-04-049
173-340-745	AMD	96-04-010	174-120-040	REP-P	96-08-066	180-79-334	AMD	96-08-025
173-354-008	NEW-W	96-05-020	174-120-040	REP	96-13-086	180-79-340	AMD-W	96-15-007
173-354-010	NEW-W	96-05-020	174-120-045	NEW-P	96-08-066	180-83-010	NEW	96-04-073
173-354-020	NEW-W	96-05-020	174-120-045	NEW	96-13-086	180-83-020	NEW	96-04-073
173-354-050	NEW-W	96-05-020	174-120-050	REP-P	96-08-066	180-83-030	NEW	96-04-073
173-354-070	NEW-W	96-05-020	174-120-050	REP	96-13-086	180-83-040	NEW	96-04-073
173-354-090	NEW-W	96-05-020	174-120-055	NEW-P	96-08-066	180-83-050	NEW	96-04-073
173-354-100	NEW-W	96-05-020	174-120-055	NEW	96-13-086	180-83-060	NEW	96-04-073
173-354-150	NEW-W	96-05-020	174-120-060	REP-P	96-08-066	180-83-070	NEW	96-04-073
173-354-200	NEW-W	96-05-020	174-120-060	REP	96-13-086	180-85-025	AMD-P	96-04-074
173-354-230	NEW-W	96-05-020	174-120-065	NEW-P	96-08-066	180-85-025	AMD	96-08-013
173-354-300	NEW-W	96-05-020	174-120-065	NEW	96-13-086	180-85-025	AMD-W	96-15-006
173-354-320	NEW-W	96-05-020	174-120-070	REP-P	96-08-066	180-85-030	PREP	96-13-050
173-354-340	NEW-W	96-05-020	174-120-070	REP	96-13-086	180-85-030	AMD-W	96-15-006
173-354-360	NEW-W	96-05-020	174-120-075	NEW-P	96-08-066	180-85-032	NEW-P	96-04-074
173-354-380	NEW-W	96-05-020	174-120-075	NEW	96-13-086	180-85-032	NEW	96-08-013
173-354-400	NEW-W	96-05-020	174-120-080	REP-P	96-08-066	180-86	PREP	96-06-038
173-354-440	NEW-W	96-05-020	174-120-080	REP	96-13-086	180-87-093	NEW-P	96-04-072
173-354-460	NEW-W	96-05-020	174-120-085	REP	96-08-066	180-87-093	NEW	96-08-012
173-354-500	NEW-W	96-05-020	174-120-085	NEW	96-13-086	180-90	PREP	96-09-026

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-90-115	AMD-P	96-12-087	182-12-220	AMD	96-08-043	196-16-020	AMD-P	96-07-052
180-90-115	AMD	96-15-099	182-25-001	NEW-P	96-09-102	196-16-020	AMD	96-11-086
180-90-125	AMD-P	96-12-087	182-25-001	NEW-W	96-15-008	196-16-031	AMD-P	96-07-052
180-90-125	AMD	96-15-099	182-25-001	NEW	96-15-024	196-16-031	AMD	96-11-086
180-90-160	AMD-P	96-12-087	182-25-010	NEW-P	96-09-102	196-20-010	AMD-P	96-07-052
180-90-160	AMD	96-15-099	182-25-010	NEW-W	96-15-008	196-20-010	AMD	96-11-086
182-08-010	AMD-P	96-02-079	182-25-010	NEW	96-15-024	196-20-020	AMD-P	96-07-052
182-08-010	AMD	96-08-042	182-25-020	NEW-P	96-09-102	196-20-020	AMD	96-11-086
182-08-015	NEW-P	96-02-079	182-25-020	NEW-W	96-15-008	196-20-030	AMD-P	96-07-052
182-08-015	NEW	96-08-042	182-25-020	NEW	96-15-024	196-20-030	AMD	96-11-086
182-08-020	AMD-P	96-02-079	182-25-030	NEW-P	96-09-102	196-21-010	NEW-P	96-07-052
182-08-020	AMD	96-08-042	182-25-030	NEW-W	96-15-008	196-21-010	NEW	96-11-086
182-08-030	REP-P	96-02-079	182-25-030	NEW	96-15-024	196-21-020	NEW-P	96-07-052
182-08-030	REP	96-08-042	182-25-040	NEW-P	96-09-102	196-21-020	NEW	96-11-086
182-08-040	REP-P	96-02-079	182-25-040	NEW-W	96-15-008	196-21-030	NEW-P	96-07-052
182-08-040	REP	96-08-042	182-25-040	NEW	96-15-024	196-21-030	NEW-P	96-11-086
182-08-060	REP-P	96-02-079	182-25-050	NEW-P	96-09-102	196-21-030	NEW	96-11-086
182-08-060	REP	96-08-042	182-25-050	NEW-W	96-15-008	196-24-058	NEW-P	96-07-037
182-08-090	NEW-P	96-02-079	182-25-050	NEW	96-15-024	196-24-058	NEW	96-11-085
182-08-095	NEW	96-08-042	182-25-060	NEW-P	96-09-102	204-10-045	PREP	96-14-077
182-08-110	REP-P	96-02-079	182-25-060	NEW-W	96-15-008	204-29-010	PREP	96-15-084
182-08-110	REP	96-08-042	182-25-060	NEW	96-15-024	204-56	PREP	96-06-060
182-08-120	AMD-P	96-02-079	182-25-070	NEW-P	96-09-102	204-56-085	AMD-P	96-09-080
182-08-120	AMD	96-08-042	182-25-070	NEW-W	96-15-008	204-56-085	AMD	96-14-008
182-08-160	AMD-P	96-02-079	182-25-070	NEW	96-15-024	204-91A-140	PREP	96-14-076
182-08-160	AMD	96-08-042	182-25-080	NEW-P	96-09-102	204-95-030	PREP	96-15-117
182-08-165	AMD-P	96-02-079	182-25-080	NEW-W	96-15-008	204-95-030	NEW-E	96-15-119
182-08-165	AMD	96-08-042	182-25-080	NEW	96-15-024	204-95-080	PREP	96-15-117
182-08-170	REP-P	96-02-079	182-25-090	NEW-P	96-09-102	204-95-080	NEW-E	96-15-119
182-08-170	REP	96-08-042	182-25-090	NEW-W	96-15-008	208-08-010	NEW-P	96-06-085
182-08-180	AMD-P	96-02-079	182-25-090	NEW	96-15-024	208-08-010	NEW	96-11-035
182-08-180	AMD	96-08-042	182-25-100	NEW-P	96-09-102	208-08-020	NEW-P	96-06-085
182-08-190	AMD-P	96-02-079	182-25-100	NEW-W	96-15-008	208-08-020	NEW	96-11-035
182-08-190	AMD	96-08-042	182-25-100	NEW	96-15-024	208-08-030	NEW-P	96-06-085
182-08-195	REP-P	96-02-079	182-25-105	NEW-P	96-09-102	208-08-030	NEW	96-11-035
182-08-195	REP	96-08-042	182-25-105	NEW-W	96-15-008	208-08-040	NEW-P	96-06-085
182-08-200	AMD-P	96-02-079	182-25-105	NEW	96-15-024	208-08-040	NEW	96-11-035
182-08-200	AMD	96-08-042	182-25-110	NEW-P	96-09-102	208-08-050	NEW-P	96-06-085
182-08-210	AMD-P	96-02-079	182-25-110	NEW-W	96-15-008	208-08-050	NEW	96-11-035
182-08-210	AMD	96-08-042	182-25-110	NEW	96-15-024	208-08-060	NEW-P	96-06-085
182-08-220	AMD-P	96-02-079	184-10-140	NEW-C	96-03-033	208-08-060	NEW	96-11-035
182-08-220	AMD	96-08-042	192-12-300	PREP	96-03-158	208-08-070	NEW-P	96-06-085
182-08-300	REP-P	96-02-079	192-12-300	AMD-P	96-12-082	208-08-070	NEW	96-11-035
182-08-300	REP	96-08-042	192-12-305	PREP	96-03-158	208-08-080	NEW-P	96-06-085
182-12-110	AMD-P	96-02-080	192-12-305	REP-P	96-12-082	208-08-080	NEW	96-11-035
182-12-110	AMD	96-08-043	192-16-002	AMD-P	96-04-065	208-08-090	NEW-P	96-06-085
182-12-111	AMD-P	96-02-080	192-16-002	AMD	96-11-002	208-08-090	NEW	96-11-035
182-12-111	AMD	96-08-043	192-16-024	NEW-P	96-04-065	208-08-100	NEW-P	96-06-085
182-12-115	AMD-P	96-02-080	192-16-024	NEW	96-11-002	208-08-100	NEW	96-11-035
182-12-115	AMD	96-08-043	192-16-051	AMD-P	96-04-065	208-08-110	NEW-P	96-06-085
182-12-117	NEW-P	96-02-080	192-16-051	AMD	96-11-002	208-08-110	NEW	96-11-035
182-12-117	NEW	96-08-043	192-16-052	NEW-P	96-04-065	208-08-120	NEW-P	96-06-085
182-12-119	NEW-P	96-02-080	192-16-052	NEW	96-11-002	208-08-120	NEW	96-11-035
182-12-119	NEW	96-08-043	192-28-105	PREP	96-03-159	208-08-130	NEW-P	96-06-085
182-12-122	REP-P	96-02-080	192-28-105	AMD-P	96-15-127	208-08-130	NEW	96-11-035
182-12-122	REP	96-08-043	192-28-120	PREP	96-03-159	208-08-140	NEW-P	96-06-085
182-12-130	REP-P	96-02-080	192-28-120	AMD-P	96-15-127	208-08-140	NEW	96-11-035
182-12-130	REP	96-08-043	192-33-001	NEW-E	96-09-004	208-12-010	NEW-P	96-11-145
182-12-132	AMD-P	96-02-080	192-36-010	NEW-P	96-08-062	208-12-010	NEW	96-14-082
182-12-132	AMD	96-08-043	192-36-010	NEW	96-11-141	208-12-020	NEW-P	96-11-145
182-12-145	AMD-P	96-02-080	192-36-015	NEW-P	96-08-062	208-12-020	NEW	96-14-082
182-12-145	AMD	96-08-043	192-36-015	NEW	96-11-141	208-12-030	NEW-P	96-11-145
182-12-151	REP-P	96-02-080	192-36-020	NEW-P	96-08-062	208-12-030	NEW	96-14-082
182-12-151	REP	96-08-043	192-36-020	NEW	96-11-141	208-12-040	NEW-P	96-11-145
182-12-160	REP-P	96-02-080	192-36-025	NEW-P	96-08-062	208-12-040	NEW	96-14-082
182-12-160	REP	96-08-043	192-36-025	NEW	96-11-141	208-12-050	NEW-P	96-11-145
182-12-165	REP-P	96-02-080	192-42-060	PREP-X	96-14-042	208-12-050	NEW	96-14-082
182-12-165	REP	96-08-043	196-16-005	REP-P	96-07-052	208-12-070	NEW-P	96-11-145
182-12-200	AMD-P	96-02-080	196-16-005	REP	96-11-086	208-12-070	NEW	96-14-082
182-12-200	AMD	96-08-043	196-16-007	AMD-P	96-07-052	208-12-080	NEW-P	96-11-145
182-12-215	AMD-P	96-02-080	196-16-007	AMD	96-11-086	208-12-080	NEW	96-14-082
182-12-215	AMD	96-08-043	196-16-010	AMD-P	96-07-052	208-12-090	NEW-P	96-11-145
182-12-220	AMD-P	96-02-080	196-16-010	AMD	96-11-086	208-12-090	NEW	96-14-082
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208-12-110	NEW-P	96-11-145	208-464-090	RECOD	96-06-011	208-660-010	RECOD	96-04-028
208-12-110	NEW	96-14-082	208-472-010	RECOD	96-06-011	208-660-020	RECOD	96-04-028
208-12-120	NEW-P	96-11-145	208-472-012	RECOD	96-06-011	208-660-025	NEW-P	96-15-128
208-12-120	NEW	96-14-082	208-472-015	RECOD	96-06-011	208-660-030	RECOD	96-04-028
208-12-130	NEW-P	96-11-145	208-472-015	AMD-P	96-14-123	208-660-035	RECOD	96-04-028
208-12-130	NEW	96-14-082	208-472-020	RECOD	96-06-011	208-660-040	RECOD	96-04-028
208-418	AMD-P	96-08-076	208-472-020	AMD-P	96-14-122	208-660-042	RECOD	96-04-028
208-418	AMD	96-12-058	208-472-025	RECOD	96-06-011	208-660-045	RECOD	96-04-028
208-418-020	RECOD	96-06-011	208-472-025	AMD-P	96-14-122	208-660-050	RECOD	96-04-028
208-418-020	AMD-P	96-08-076	208-472-041	RECOD	96-06-011	208-660-060	RECOD	96-04-028
208-418-020	AMD	96-12-058	208-472-041	AMD-P	96-14-122	208-660-070	RECOD	96-04-028
208-418-030	RECOD	96-06-011	208-472-045	RECOD	96-06-011	208-660-080	RECOD	96-04-028
208-418-030	REP-P	96-08-076	208-472-045	AMD-P	96-14-122	208-660-08005	RECOD	96-04-028
208-418-030	REP	96-12-058	208-472-050	RECOD	96-06-011	208-660-08010	RECOD	96-04-028
208-418-040	RECOD	96-06-011	208-472-060	RECOD	96-06-011	208-660-08015	RECOD	96-04-028
208-418-040	AMD-P	96-08-076	208-472-060	AMD-P	96-14-122	208-660-08020	RECOD	96-04-028
208-418-040	AMD	96-12-058	208-472-065	RECOD	96-06-011	208-660-08025	RECOD	96-04-028
208-418-045	RECOD	96-06-011	208-472-065	AMD-P	96-14-122	208-660-08030	RECOD	96-04-028
208-418-045	AMD-P	96-08-076	208-472-070	RECOD	96-06-011	208-660-08035	RECOD	96-04-028
208-418-045	PREP-X	96-14-038	208-472-070	AMD-P	96-14-122	208-660-08040	RECOD	96-04-028
208-418-050	RECOD	96-06-011	208-472-075	RECOD	96-06-011	208-660-085	RECOD	96-04-028
208-418-050	AMD-P	96-08-076	208-472-075	AMD-P	96-14-122	208-660-090	RECOD	96-04-028
208-418-050	AMD	96-12-058	208-472-080	RECOD	96-06-011	208-660-09005	RECOD	96-04-028
208-418-060	RECOD	96-06-011	208-480-010	RECOD	96-06-011	208-660-09010	RECOD	96-04-028
208-418-060	AMD-P	96-08-076	208-480-020	RECOD	96-06-011	208-660-09015	RECOD	96-04-028
208-418-060	AMD	96-12-058	208-480-030	RECOD	96-06-011	208-660-09020	RECOD	96-04-028
208-418-070	RECOD	96-06-011	208-480-030	AMD-P	96-14-122	208-660-100	RECOD	96-04-028
208-418-070	AMD-P	96-08-076	208-480-040	RECOD	96-06-011	208-660-110	RECOD	96-04-028
208-418-070	AMD	96-12-058	208-480-050	RECOD	96-06-011	208-660-120	RECOD	96-04-028
208-418-080	RECOD	96-06-011	208-480-050	AMD-P	96-14-122	208-660-125	RECOD	96-04-028
208-418-080	REP-P	96-08-076	208-480-060	RECOD	96-06-011	208-660-130	RECOD	96-04-028
208-418-080	REP	96-12-058	208-480-070	RECOD	96-06-011	208-660-140	RECOD	96-04-028
208-436-010	RECOD	96-06-011	208-620-010	NEW	96-04-013	208-660-145	RECOD	96-04-028
208-436-010	AMD-P	96-14-122	208-620-020	NEW	96-04-013	208-660-150	RECOD	96-04-028
208-436-020	RECOD	96-06-011	208-620-030	NEW	96-04-013	208-660-160	RECOD	96-04-028
208-436-020	AMD-P	96-14-122	208-620-040	NEW	96-04-013	208-660-165	RECOD	96-04-028
208-436-030	RECOD	96-06-011	208-620-050	NEW	96-04-013	208-660-170	RECOD	96-04-028
208-436-030	AMD-P	96-14-122	208-620-060	NEW	96-04-013	208-660-190	RECOD	96-04-028
208-436-040	RECOD	96-06-011	208-620-070	NEW	96-04-013	208-660-200	RECOD	96-04-028
208-436-040	AMD-P	96-14-122	208-620-080	NEW	96-04-013	208-660-210	RECOD	96-04-028
208-436-050	RECOD	96-06-011	208-620-090	NEW	96-04-013	208-680A	PREP	96-06-084
208-436-050	AMD-P	96-14-122	208-620-100	RECOD	96-04-013	208-680A-010	RECOD	96-05-018
208-436-060	RECOD	96-06-011	208-620-110	RECOD	96-04-013	208-680A-010	REP-P	96-15-129
208-436-060	AMD-P	96-14-122	208-620-120	RECOD	96-04-013	208-680A-020	RECOD	96-05-018
208-436-070	RECOD	96-06-011	208-620-130	RECOD	96-04-013	208-680A-020	AMD-P	96-15-129
208-436-070	AMD-P	96-14-122	208-620-140	RECOD	96-04-013	208-680A-030	RECOD	96-05-018
208-436-080	RECOD	96-06-011	208-620-150	NEW	96-04-013	208-680A-030	AMD-P	96-15-129
208-436-080	AMD-P	96-14-122	208-620-160	RECOD	96-04-013	208-680A-040	RECOD	96-05-018
208-436-090	RECOD	96-06-011	208-620-170	RECOD	96-04-013	208-680A-040	AMD-P	96-15-129
208-436-090	AMD-P	96-14-122	208-620-180	NEW	96-04-013	208-680B	PREP	96-06-084
208-440-010	RECOD	96-06-011	208-620-190	RECOD	96-04-013	208-680B-010	RECOD	96-05-018
208-440-010	AMD-P	96-14-122	208-620-200	NEW	96-04-013	208-680B-020	RECOD	96-05-018
208-440-020	RECOD	96-06-011	208-620-210	RECOD	96-04-013	208-680B-030	RECOD	96-05-018
208-440-030	RECOD	96-06-011	208-620-220	NEW	96-04-013	208-680B-050	RECOD	96-05-018
208-440-030	PREP-X	96-14-071	208-630-005	RECOD	96-03-059	208-680B-070	RECOD	96-05-018
208-440-030	AMD-P	96-14-122	208-630-010	RECOD	96-03-059	208-680B-080	RECOD	96-05-018
208-440-040	RECOD	96-06-011	208-630-015	RECOD	96-03-059	208-680B-080	AMD-P	96-15-129
208-440-050	RECOD	96-06-011	208-630-020	RECOD	96-03-059	208-680B-090	RECOD	96-05-018
208-444-010	RECOD	96-06-011	208-630-025	RECOD	96-03-059	208-680C	PREP	96-06-084
208-444-010	AMD-P	96-14-122	208-630-030	RECOD	96-03-059	208-680C-020	RECOD	96-05-018
208-464-010	RECOD	96-06-011	208-630-035	RECOD	96-03-059	208-680C-030	RECOD	96-05-018
208-464-010	AMD-P	96-14-122	208-630-040	RECOD	96-03-059	208-680C-040	RECOD	96-05-018
208-464-020	RECOD	96-06-011	208-630-050	RECOD	96-03-059	208-680C-045	NEW-P	96-15-129
208-464-030	RECOD	96-06-011	208-630-060	RECOD	96-03-059	208-680C-050	RECOD	96-05-018
208-464-030	AMD-P	96-14-122	208-630-065	RECOD	96-03-059	208-680D	PREP	96-06-084
208-464-040	RECOD	96-06-011	208-630-068	RECOD	96-03-059	208-680D-010	RECOD	96-05-018
208-464-050	RECOD	96-06-011	208-630-070	RECOD	96-03-059	208-680D-020	RECOD	96-05-018
208-464-050	AMD-P	96-14-122	208-630-075	RECOD	96-03-059	208-680D-030	RECOD	96-05-018
208-464-060	RECOD	96-06-011	208-630-080	RECOD	96-03-059	208-680D-030	AMD-P	96-15-129
208-464-060	AMD-P	96-14-122	208-630-085	RECOD	96-03-059	208-680D-040	RECOD	96-05-018
208-464-070	RECOD	96-06-011	208-630-090	RECOD	96-03-059	208-680D-050	RECOD	96-05-018
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208-680D-070	RECOD	96-05-018	220-16-320	AMD-W	96-11-084	220-52-07300F	REP-E	96-05-033
208-680D-080	RECOD	96-05-018	220-24-02000A	NEW-E	96-15-100	220-52-07300G	NEW-E	96-05-033
208-680E	PREP	96-06-084	220-32-05100S	NEW-E	96-04-039	220-52-07300G	REP-E	96-05-033
208-680E-011	RECOD	96-05-018	220-32-05100S	REP-E	96-04-039	220-52-07300H	NEW-E	96-06-005
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208-680F	PREP	96-06-084	220-32-05500V	REP-E	96-12-029	220-52-07500A	NEW-E	96-09-048
208-680F-010	RECOD	96-05-018	220-32-05500W	NEW-E	96-12-029	220-55-005	AMD	96-05-004
208-680F-020	RECOD	96-05-018	220-32-05500W	REP-E	96-12-069	220-55-010	AMD	96-05-004
208-680F-040	RECOD	96-05-018	220-32-05500X	NEW-E	96-12-069	220-55-050	AMD	96-05-004
208-680F-040	AMD-P	96-15-129	220-32-05500X	REP-E	96-14-060	220-55-055	AMD	96-05-004
208-680F-050	RECOD	96-05-018	220-32-05500Y	NEW-E	96-14-060	220-55-075	AMD	96-05-004
208-680F-050	AMD-P	96-15-129	220-32-05700S	NEW-E	96-08-064	220-55-110	AMD	96-05-004
208-680F-060	RECOD	96-05-018	220-32-05700S	REP-E	96-08-064	220-56-100	AMD-C	96-05-005
208-680F-070	RECOD	96-05-018	220-32-05700T	NEW-E	96-11-092	220-56-100	AMD	96-11-078
210-01-020	AMD-P	96-15-122	220-32-05700T	REP-E	96-11-092	220-56-10300A	NEW-E	96-13-052
210-01-030	AMD-P	96-15-122	220-33-01000D	NEW-E	96-05-055	220-56-105	AMD-C	96-05-005
210-01-120	AMD-P	96-15-122	220-33-01000D	REP-E	96-05-055	220-56-105	AMD	96-11-078
212-17-185	REP-E	96-11-068	220-33-03000J	NEW-E	96-11-032	220-56-105	AMD	96-11-039
212-17-185	PREP	96-12-063	220-33-03000J	REP-E	96-11-032	220-56-10500A	NEW-E	96-11-039
212-17-185	REP-P	96-15-118	220-33-04000B	NEW-E	96-04-026	220-56-116	AMD-W	96-11-084
212-17-190	REP-E	96-11-068	220-33-04000B	REP-E	96-04-026	220-56-116	AMD-W	96-11-084
212-17-190	PREP	96-12-063	220-36-021	AMD-P	96-09-104	220-56-124	AMD-C	96-05-005
212-17-190	REP-P	96-15-118	220-36-021	AMD	96-13-035	220-56-124	AMD	96-11-078
212-17-195	REP-E	96-11-068	220-36-023	AMD-P	96-09-104	220-56-189	AMD-W	96-11-084
212-17-195	PREP	96-12-063	220-36-023	AMD	96-13-035	220-56-190	AMD-C	96-05-005
212-17-195	REP-P	96-15-118	220-40-021	AMD-P	96-09-104	220-56-190	AMD	96-11-078
212-17-200	REP-E	96-11-068	220-40-021	AMD	96-13-035	220-56-19000E	NEW-E	96-15-097
212-17-200	PREP	96-12-063	220-40-027	AMD-P	96-09-104	220-56-191	AMD-C	96-05-005
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212-17-203	PREP	96-12-063	220-44-030	AMD	96-11-055	220-56-192	AMD-W	96-11-084
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212-17-205	PREP	96-12-063	220-44-05000W	REP-E	96-11-094	220-56-205	AMD-C	96-05-005
212-17-205	REP-P	96-15-118	220-44-05000X	NEW-E	96-11-094	220-56-205	AMD	96-11-078
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212-17-210	PREP	96-12-063	220-44-05000Y	NEW-E	96-14-066	220-56-225	AMD-W	96-11-084
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212-17-215	AMD-P	96-15-118	220-47-307	AMD	96-15-101	220-56-250	AMD-W	96-11-084
212-17-21501	NEW-E	96-11-068	220-47-311	AMD-P	96-09-105	220-56-25500C	NEW-E	96-12-012
212-17-21501	PREP	96-12-063	220-47-311	AMD	96-15-101	220-56-25500C	REP-E	96-15-092
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212-17-21503	PREP	96-12-063	220-47-411	AMD-P	96-09-105	220-56-28500G	REP-E	96-06-052
212-17-21503	NEW-P	96-15-118	220-47-411	AMD	96-15-101	220-56-28500H	NEW-E	96-08-063
212-17-21506	NEW-E	96-11-068	220-47-427	NEW-P	96-09-105	220-56-310	AMD-C	96-05-005
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212-17-21509	PREP	96-12-063	220-49-02000I	NEW-E	96-15-101	220-56-31000M	NEW-E	96-15-014
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212-17-21512	PREP	96-12-063	220-52-03000J	REP-E	96-11-117	220-56-32500F	NEW-E	96-11-034
212-17-21512	NEW-P	96-15-118	220-52-04600L	REP-E	96-02-065	220-56-32500F	REP-E	96-11-034
212-17-21515	NEW-E	96-11-068	220-52-04600M	NEW-E	96-03-055	220-56-32500G	NEW-E	96-11-099
212-17-21515	PREP	96-12-063	220-52-04600N	NEW-E	96-06-006	220-56-32500G	REP-E	96-14-061
212-17-21515	NEW-P	96-15-118	220-52-06000A	NEW-E	96-10-046	220-56-32500H	NEW-E	96-12-068
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212-17-21518	NEW-P	96-15-118	220-52-06000B	REP-E	96-15-049	220-56-32500I	REP-E	96-13-041
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232-28-253	AMD	96-12-050	236-50-010	PREP-X	96-13-039	246-254-100	AMD	96-11-043
232-28-254	AMD-P	96-06-073	236-56-100	PREP-X	96-13-037	246-255	PREP-X	96-14-046
232-28-254	AMD	96-12-051	236-60-001	PREP-X	96-13-036	246-264-010	PREP-X	96-14-067
232-28-256	AMD-P	96-06-074	236-60-005	PREP-X	96-13-036	246-264-020	PREP-X	96-14-067
232-28-256	AMD	96-12-052	236-60-010	PREP-X	96-13-036	246-264-030	PREP-X	96-14-067
232-28-257	AMD	96-04-027	236-60-020	PREP-X	96-13-036	246-264-040	PREP-X	96-14-067
232-28-260	NEW	96-04-027	236-60-030	PREP-X	96-13-036	246-264-050	PREP-X	96-14-067
232-28-260	AMD-P	96-14-132	236-60-040	PREP-X	96-13-036	246-264-060	PREP-X	96-14-067
232-28-261	NEW-P	96-06-075	236-60-050	PREP-X	96-13-036	246-264-070	PREP-X	96-14-067
232-28-261	NEW	96-12-053	236-60-060	PREP-X	96-13-036	246-264-080	PREP-X	96-14-067
232-28-262	NEW-P	96-06-076	236-60-070	PREP-X	96-13-036	246-264-090	PREP-X	96-14-067
232-28-262	NEW	96-12-054	236-60-080	PREP-X	96-13-036	246-264-100	PREP-X	96-14-067
232-28-263	NEW-P	96-14-133	236-60-090	PREP-X	96-13-036	246-264-110	PREP-X	96-14-067
232-28-404	REP	96-04-027	236-60-100	PREP-X	96-13-036	246-264-120	PREP-X	96-14-067
232-28-407	REP	96-04-027	245-02-040	PREP	96-04-059	246-264-130	PREP-X	96-14-067
232-28-419	REP-P	96-06-077	245-02-040	AMD-P	96-08-090	246-264-140	PREP-X	96-14-067
232-28-419	REP	96-12-055	245-02-040	AMD	96-11-133	246-264-150	PREP-X	96-14-067
232-28-420	NEW-P	96-14-124	246-08-104	PREP-X	96-14-046	246-264-160	PREP-X	96-14-067
232-28-514	AMD-P	96-14-137	246-08-105	PREP-X	96-14-046	246-264-170	PREP-X	96-14-067
232-28-60101	REP	96-04-027	246-10	PREP	96-06-048	246-264-180	PREP-X	96-14-067
232-28-60102	REP	96-04-027	246-10-107	AMD-P	96-14-069	246-264-190	PREP-X	96-14-067
232-28-604	REP	96-04-027	246-10-124	AMD-P	96-14-069	246-264-200	PREP-X	96-14-067
232-28-60415	REP	96-04-027	246-10-204	AMD-P	96-14-069	246-282-005	AMD-P	96-14-110
232-28-605	REP	96-04-027	246-10-403	AMD-P	96-14-069	246-282-990	AMD-P	96-12-074
232-28-60508	REP	96-04-027	246-10-501	AMD-P	96-14-069	246-292-030	PREP-X	96-14-046
232-28-61610	REP	96-04-027	246-10-502	AMD-P	96-14-069	246-310	PREP	96-05-059
232-28-619	AMD-C	96-05-044	246-10-503	AMD-P	96-14-069	246-316-990	AMD-P	96-09-084
232-28-619	AMD	96-11-079	246-11	PREP	96-06-048	246-316-990	AMD	96-12-027
232-28-61900K	NEW-E	96-03-053	246-11-380	AMD-P	96-14-069	246-318	PREP	96-07-011
232-28-61900K	REP-E	96-03-053	246-11-430	AMD-P	96-14-069	246-327-990	AMD-P	96-09-082
232-28-61900L	NEW-E	96-03-054	246-11-550	AMD-P	96-14-069	246-327-990	AMD	96-12-026
232-28-61900L	REP-E	96-03-054	246-50-001	AMD-P	96-04-082	246-328-100	NEW-P	96-11-131
232-28-61900M	NEW-E	96-04-043	246-50-001	AMD	96-09-042	246-328-100	NEW	96-14-070
232-28-61900M	REP-E	96-04-043	246-50-010	AMD-P	96-04-082	246-328-150	NEW-P	96-11-131
232-28-61900P	NEW-E	96-06-007	246-50-010	AMD	96-09-042	246-328-150	NEW	96-14-070
232-28-61900P	REP-E	96-06-007	246-100-042	AMD-P	96-04-078	246-328-200	NEW-P	96-11-131
232-28-61900P	REP-E	96-13-019	246-100-042	AMD	96-11-077	246-328-200	NEW	96-14-070
232-28-61900Q	NEW-E	96-10-070	246-100-166	AMD	96-04-079	246-328-990	NEW-P	96-11-131
232-28-61900Q	REP-E	96-10-070	246-100-218	NEW-P	96-04-077	246-328-990	NEW	96-14-070
232-28-61900R	NEW-E	96-13-019	246-100-218	NEW	96-08-028	246-331-990	AMD-P	96-09-081
232-28-61900R	NEW-P	96-14-145	246-100-221	PREP-X	96-14-067	246-331-990	AMD	96-12-025
232-28-61900R	REP-P	96-14-145	246-100-226	PREP-X	96-14-067	246-336-990	AMD-P	96-09-083
232-28-61900S	NEW-E	96-15-120	246-201-001	PREP-X	96-14-067	246-336-990	AMD	96-12-028
232-28-61900S	REP-E	96-15-120	246-201-020	PREP-X	96-14-067	246-338-990	AMD-P	96-09-043
			246-201-030	PREP-X	96-14-067	246-338-990	AMD	96-12-011

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-378-010	PREP-X	96-14-067	246-807-290	REP-P	96-10-006	246-808-570	NEW-P	96-10-006
246-378-020	PREP-X	96-14-067	246-807-300	REP-P	96-10-006	246-808-575	NEW-P	96-10-006
246-378-030	PREP-X	96-14-067	246-807-310	REP-P	96-10-006	246-808-580	NEW-P	96-10-006
246-378-040	PREP-X	96-14-067	246-807-311	REP-P	96-10-006	246-808-585	NEW-P	96-10-006
246-378-050	PREP-X	96-14-067	246-807-320	REP-P	96-10-006	246-808-590	NEW-P	96-10-006
246-430-030	AMD-P	96-04-081	246-807-330	REP-P	96-10-006	246-808-600	NEW-P	96-10-006
246-430-030	AMD	96-13-027	246-807-340	REP-P	96-10-006	246-808-605	NEW-P	96-10-006
246-610-010	PREP-X	96-14-067	246-807-350	REP-P	96-10-006	246-808-610	NEW-P	96-10-006
246-610-020	PREP-X	96-14-067	246-807-360	REP-P	96-10-006	246-808-615	NEW-P	96-10-006
246-610-030	PREP-X	96-14-067	246-807-370	REP-P	96-10-006	246-808-620	NEW-P	96-10-006
246-610-040	PREP-X	96-14-067	246-807-380	REP-P	96-10-006	246-808-625	NEW-P	96-10-006
246-790-010	PREP	96-14-037	246-807-390	REP-P	96-10-006	246-808-630	NEW-P	96-10-006
246-790-050	PREP	96-14-043	246-807-395	REP-P	96-10-006	246-808-640	NEW-P	96-10-006
246-790-060	PREP	96-14-043	246-807-396	REP-P	96-10-006	246-808-650	NEW-P	96-10-006
246-790-070	PREP	96-14-043	246-807-400	REP-P	96-10-006	246-808-655	NEW-P	96-10-006
246-790-080	PREP	96-14-043	246-807-410	REP-P	96-10-006	246-808-660	NEW-P	96-10-006
246-790-090	PREP	96-14-043	246-807-420	REP-P	96-10-006	246-808-670	NEW-P	96-10-006
246-790-100	PREP	96-14-043	246-807-430	REP-P	96-10-006	246-808-680	NEW-P	96-10-006
246-790-110	PREP	96-14-043	246-807-440	REP-P	96-10-006	246-808-685	NEW-P	96-10-006
246-790-120	PREP	96-14-043	246-807-450	REP-P	96-10-006	246-808-690	NEW-P	96-10-006
246-790-130	PREP	96-14-043	246-807-460	REP-P	96-10-006	246-808-695	NEW-P	96-10-006
246-800	PREP-W	96-09-018	246-807-470	REP-P	96-10-006	246-808-700	NEW-P	96-10-006
246-806-010	REP-P	96-10-006	246-807-480	REP-P	96-10-006	246-808-710	NEW-P	96-10-006
246-806-020	REP-P	96-10-006	246-807-500	REP-P	96-10-006	246-808-720	NEW-P	96-10-006
246-806-030	REP-P	96-10-006	246-807-510	REP-P	96-10-006	246-808-801	NEW-P	96-10-006
246-806-040	REP-P	96-10-006	246-807-520	REP-P	96-10-006	246-808-810	NEW-P	96-10-006
246-806-060	REP-P	96-10-006	246-807-530	REP-P	96-10-006	246-808-820	NEW-P	96-10-006
246-806-070	REP-P	96-10-006	246-808-001	NEW-P	96-10-006	246-808-830	NEW-P	96-10-006
246-806-075	REP-P	96-10-006	246-808-010	NEW-P	96-10-006	246-808-890	NEW-P	96-10-006
246-806-080	REP-P	96-10-006	246-808-015	NEW-P	96-10-006	246-810-990	AMD	96-08-069
246-806-085	REP-P	96-10-006	246-808-020	NEW-P	96-10-006	246-826-070	PREP	96-15-072
246-806-090	REP-P	96-10-006	246-808-030	NEW-P	96-10-006	246-826-080	PREP	96-15-072
246-806-100	REP-P	96-10-006	246-808-040	NEW-P	96-10-006	246-838-010	PREP-W	96-06-028
246-806-110	REP-P	96-10-006	246-808-101	NEW-P	96-10-006	246-838-130	PREP-W	96-06-028
246-806-120	REP-P	96-10-006	246-808-105	NEW-P	96-10-006	246-839-120	PREP-W	96-06-028
246-806-130	REP-P	96-10-006	246-808-106	NEW-P	96-10-006	246-840-910	NEW	96-05-060
246-806-140	REP-P	96-10-006	246-808-115	NEW-P	96-10-006	246-840-920	NEW	96-05-060
246-806-160	REP-P	96-10-006	246-808-120	NEW-P	96-10-006	246-840-930	NEW	96-05-060
246-806-170	REP-P	96-10-006	246-808-130	NEW-P	96-10-006	246-840-940	NEW	96-05-060
246-806-180	REP-P	96-10-006	246-808-135	NEW-P	96-10-006	246-840-950	NEW	96-05-060
246-806-190	REP-P	96-10-006	246-808-140	NEW-P	96-10-006	246-840-960	NEW	96-05-060
246-806-990	REP-P	96-10-006	246-808-150	NEW-P	96-10-006	246-840-970	NEW	96-05-060
246-807-020	REP-P	96-10-006	246-808-155	NEW-P	96-10-006	246-840-980	NEW	96-05-060
246-807-030	REP-P	96-10-006	246-808-160	NEW-P	96-10-006	246-841-405	NEW	96-06-029
246-807-040	REP-P	96-10-006	246-808-165	NEW-P	96-10-006	246-841-990	AMD	96-03-051
246-807-050	REP-P	96-10-006	246-808-170	NEW-P	96-10-006	246-851-080	PREP	96-11-049
246-807-060	REP-P	96-10-006	246-808-180	NEW-P	96-10-006	246-851-080	REP-P	96-14-044
246-807-070	REP-P	96-10-006	246-808-185	NEW-P	96-10-006	246-851-480	PREP	96-11-049
246-807-080	REP-P	96-10-006	246-808-190	NEW-P	96-10-006	246-851-480	REP-P	96-14-044
246-807-090	REP-P	96-10-006	246-808-201	NEW-P	96-10-006	246-851-490	PREP	96-11-049
246-807-100	REP-P	96-10-006	246-808-215	NEW-P	96-10-006	246-851-490	AMD-P	96-14-044
246-807-110	REP-P	96-10-006	246-808-301	NEW-P	96-10-006	246-851-500	PREP	96-11-049
246-807-115	REP-P	96-10-006	246-808-320	NEW-P	96-10-006	246-851-500	AMD-P	96-14-044
246-807-120	REP-P	96-10-006	246-808-330	NEW-P	96-10-006	246-851-990	AMD-P	96-15-033
246-807-125	REP-P	96-10-006	246-808-340	NEW-P	96-10-006	246-861-040	AMD-P	96-04-080
246-807-130	REP-P	96-10-006	246-808-350	NEW-P	96-10-006	246-861-040	AMD	96-11-042
246-807-135	REP-P	96-10-006	246-808-360	NEW-P	96-10-006	246-869-240	REP	96-03-016
246-807-140	REP-P	96-10-006	246-808-370	NEW-P	96-10-006	246-872	PREP	96-15-110
246-807-150	REP-P	96-10-006	246-808-380	NEW-P	96-10-006	246-879	PREP	96-15-109
246-807-160	REP-P	96-10-006	246-808-390	NEW-P	96-10-006	246-883-020	PREP	96-03-012
246-807-171	REP-P	96-10-006	246-808-400	NEW-P	96-10-006	246-883-020	AMD-P	96-11-041
246-807-173	REP-P	96-10-006	246-808-410	NEW-P	96-10-006	246-883-020	AMD-C	96-14-109
246-807-180	REP-P	96-10-006	246-808-505	NEW-P	96-10-006	246-885-030	NEW-P	96-03-134
246-807-190	REP-P	96-10-006	246-808-510	NEW-P	96-10-006	246-885-030	NEW	96-07-012
246-807-200	REP-P	96-10-006	246-808-520	NEW-P	96-10-006	246-887-170	PREP	96-10-038
246-807-210	REP-P	96-10-006	246-808-525	NEW-P	96-10-006	246-904	PREP	96-11-130
246-807-220	REP-P	96-10-006	246-808-530	NEW-P	96-10-006	246-904-010	NEW-E	96-11-103
246-807-230	REP-P	96-10-006	246-808-535	NEW-P	96-10-006	246-904-020	NEW-E	96-11-103
246-807-240	REP-P	96-10-006	246-808-540	NEW-P	96-10-006	246-904-030	NEW-E	96-11-103
246-807-250	REP-P	96-10-006	246-808-545	NEW-P	96-10-006	246-904-040	NEW-E	96-11-103
246-807-260	REP-P	96-10-006	246-808-550	NEW-P	96-10-006	246-904-050	NEW-E	96-11-103
246-807-270	REP-P	96-10-006	246-808-560	NEW-P	96-10-006	246-904-060	NEW-E	96-11-103
246-807-280	REP-P	96-10-006	246-808-565	NEW-P	96-10-006	246-904-070	NEW-E	96-11-103

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-904-080	NEW-E	96-11-103	246-919-220	PREP-X	96-14-045	246-920-400	REP	96-03-073
246-904-090	NEW-E	96-11-103	246-919-230	NEW	96-03-073	246-920-410	REP	96-03-073
246-904-100	NEW-E	96-11-103	246-919-230	PREP-X	96-14-045	246-920-420	REP	96-03-073
246-915-030	AMD-E	96-03-050	246-919-240	NEW	96-03-073	246-920-430	REP	96-03-073
246-915-030	AMD-P	96-08-068	246-919-240	PREP-X	96-14-045	246-920-440	REP	96-03-073
246-915-030	AMD	96-13-008	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073
246-917-020	REP	96-03-073	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073
246-917-025	REP	96-03-073	246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073
246-917-026	REP	96-03-073	246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073
246-917-030	REP	96-03-073	246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073
246-917-040	REP	96-03-073	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073
246-917-050	REP	96-03-073	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073
246-917-060	REP	96-03-073	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073
246-917-070	REP	96-03-073	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073
246-917-080	REP	96-03-073	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073
246-917-090	REP	96-03-073	246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073
246-917-100	REP	96-03-073	246-919-380	NEW	96-03-073	246-920-560	REP	96-03-073
246-917-110	REP	96-03-073	246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073
246-917-120	REP	96-03-073	246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073
246-917-121	REP	96-03-073	246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073
246-917-125	REP	96-03-073	246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073
246-917-126	REP	96-03-073	246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073
246-917-130	REP	96-03-073	246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073
246-917-135	REP	96-03-073	246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073
246-917-140	REP	96-03-073	246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073
246-917-150	REP	96-03-073	246-919-460	NEW	96-03-073	246-920-650	REP	96-03-073
246-917-160	REP	96-03-073	246-919-470	NEW	96-03-073	246-920-660	REP	96-03-073
246-917-170	REP	96-03-073	246-919-480	NEW	96-03-073	246-920-670	REP	96-03-073
246-917-180	REP	96-03-073	246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073
246-917-190	REP	96-03-073	246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073
246-917-200	REP	96-03-073	246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073
246-917-210	REP	96-03-073	246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073
246-917-220	REP	96-03-073	246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073
246-917-300	REP	96-03-073	246-919-700	NEW	96-03-073	246-920-740	REP	96-03-073
246-917-990	REP	96-03-073	246-919-710	NEW	96-03-073	246-920-750	REP	96-03-073
246-918	AMD	96-03-073	246-919-720	NEW	96-03-073	246-920-760	REP	96-03-073
246-918-005	AMD	96-03-073	246-919-730	NEW	96-03-073	246-920-770	REP	96-03-073
246-918-006	AMD	96-03-073	246-919-740	NEW	96-03-073	246-920-780	REP	96-03-073
246-918-007	AMD	96-03-073	246-919-750	NEW	96-03-073	246-920-890	REP	96-03-073
246-918-008	AMD	96-03-073	246-919-760	NEW	96-03-073	246-924-080	AMD-P	96-02-086
246-918-009	AMD	96-03-073	246-919-770	NEW	96-03-073	246-924-080	AMD	96-08-007
246-918-030	AMD	96-03-073	246-919-990	NEW	96-03-073	246-924-250	AMD-P	96-02-086
246-918-035	AMD	96-03-073	246-920-020	REP	96-03-073	246-924-250	AMD	96-08-007
246-918-050	AMD	96-03-073	246-920-030	REP	96-03-073	246-924-470	AMD-P	96-02-086
246-918-070	AMD	96-03-073	246-920-040	REP	96-03-073	246-924-470	AMD	96-08-007
246-918-080	AMD	96-03-073	246-920-120	REP	96-03-073	246-924-500	NEW-P	96-02-086
246-918-085	AMD	96-03-073	246-920-130	REP	96-03-073	246-924-500	NEW	96-08-007
246-918-090	AMD	96-03-073	246-920-140	REP	96-03-073	246-924-990	AMD-P	96-02-085
246-918-095	AMD	96-03-073	246-920-150	REP	96-03-073	246-924-990	AMD	96-08-006
246-918-110	AMD	96-03-073	246-920-160	REP	96-03-073	246-924-990	PREP	96-15-071
246-918-120	AMD	96-03-073	246-920-170	REP	96-03-073	246-976-010	AMD	96-03-052
246-918-130	AMD	96-03-073	246-920-180	REP	96-03-073	246-976-045	NEW	96-03-052
246-918-140	AMD	96-03-073	246-920-190	REP	96-03-073	246-976-076	PREP	96-06-049
246-918-170	AMD	96-03-073	246-920-200	REP	96-03-073	246-976-076	NEW-P	96-14-111
246-918-180	AMD	96-03-073	246-920-210	REP	96-03-073	246-976-077	PREP	96-06-049
246-918-250	AMD	96-03-073	246-920-220	REP	96-03-073	246-976-077	NEW-P	96-14-111
246-918-260	AMD	96-03-073	246-920-230	REP	96-03-073	246-976-140	PREP	96-06-049
246-918-310	AMD	96-03-073	246-920-240	REP	96-03-073	246-976-140	AMD-P	96-14-111
246-918-990	AMD	96-03-073	246-920-250	REP	96-03-073	246-976-165	NEW	96-03-052
246-919-010	NEW	96-03-073	246-920-260	REP	96-03-073	246-976-181	PREP	96-06-049
246-919-020	NEW	96-03-073	246-920-270	REP	96-03-073	246-976-181	NEW-P	96-14-111
246-919-030	NEW	96-03-073	246-920-280	REP	96-03-073	250-20-021	AMD	96-04-019
246-919-100	NEW	96-03-073	246-920-290	REP	96-03-073	250-20-021	PREP	96-07-096
246-919-110	NEW	96-03-073	246-920-300	REP	96-03-073	250-20-021	AMD-P	96-11-101
246-919-120	NEW	96-03-073	246-920-310	REP	96-03-073	250-65	PREP	96-07-095
246-919-130	NEW	96-03-073	246-920-320	REP	96-03-073	250-65-020	AMD-P	96-11-090
246-919-140	NEW	96-03-073	246-920-330	REP	96-03-073	250-65-060	AMD-P	96-11-090
246-919-150	NEW	96-03-073	246-920-340	REP	96-03-073	250-74-010	PREP-X	96-13-028
246-919-200	NEW	96-03-073	246-920-350	REP	96-03-073	250-74-020	PREP-X	96-13-028
246-919-200	PREP-X	96-14-045	246-920-360	REP	96-03-073	250-74-030	PREP-X	96-13-028
246-919-210	NEW	96-03-073	246-920-370	REP	96-03-073	250-74-040	PREP-X	96-13-028
246-919-210	PREP-X	96-14-045	246-920-380	REP	96-03-073	250-74-050	PREP-X	96-13-028
246-919-220	NEW	96-03-073	246-920-390	REP	96-03-073	250-74-060	PREP-X	96-13-028

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
251-04-050	AMD-P	96-08-088	251-22-290	AMD	96-11-059	260-24-680	NEW-P	96-09-097
251-04-050	AMD	96-11-063	251-22-290	AMD-E	96-15-047	260-24-690	NEW-P	96-09-097
251-06-020	AMD-P	96-08-088	260-12	PREP	96-03-142	260-34	PREP	96-03-144
251-06-020	AMD	96-11-063	260-12	PREP	96-12-084	260-48-010	REP-P	96-04-066
251-10-030	AMD-P	96-10-065	260-20	PREP	96-03-143	260-48-010	REP	96-10-014
251-10-030	AMD	96-13-078	260-24	PREP	96-06-086	260-48-020	REP-P	96-04-066
251-12-099	AMD-P	96-04-053	260-24-010	REP-P	96-09-097	260-48-020	REP	96-10-014
251-12-099	AMD-C	96-07-091	260-24-020	REP-P	96-09-097	260-48-030	REP-P	96-04-066
251-12-099	AMD	96-09-055	260-24-030	REP-P	96-09-097	260-48-030	REP	96-10-014
251-12-100	AMD-P	96-04-053	260-24-040	REP-P	96-09-097	260-48-035	REP-P	96-04-066
251-12-100	AMD-C	96-07-091	260-24-050	REP-P	96-09-097	260-48-035	REP	96-10-014
251-12-100	AMD	96-09-055	260-24-060	REP-P	96-09-097	260-48-040	REP-P	96-04-066
251-12-101	REP-P	96-04-053	260-24-070	REP-P	96-09-097	260-48-040	REP	96-10-014
251-12-101	REP-C	96-07-091	260-24-080	REP-P	96-09-097	260-48-050	REP-P	96-04-066
251-12-101	REP	96-09-055	260-24-090	REP-P	96-09-097	260-48-050	REP	96-10-014
251-12-102	AMD-P	96-04-053	260-24-100	REP-P	96-09-097	260-48-060	REP-P	96-04-066
251-12-102	AMD-C	96-07-091	260-24-110	REP-P	96-09-097	260-48-060	REP	96-10-014
251-12-102	AMD	96-09-055	260-24-120	REP-P	96-09-097	260-48-070	REP-P	96-04-066
251-12-104	NEW-P	96-04-053	260-24-130	REP-P	96-09-097	260-48-070	REP	96-10-014
251-12-104	NEW-C	96-07-091	260-24-140	REP-P	96-09-097	260-48-080	REP-P	96-04-066
251-12-104	NEW	96-09-055	260-24-150	REP-P	96-09-097	260-48-080	REP	96-10-014
251-12-105	NEW-P	96-04-053	260-24-160	REP-P	96-09-097	260-48-090	REP-P	96-04-066
251-12-105	NEW-C	96-07-091	260-24-170	REP-P	96-09-097	260-48-090	REP	96-10-014
251-12-105	NEW	96-09-055	260-24-180	REP-P	96-09-097	260-48-100	REP-P	96-04-066
251-12-106	NEW-P	96-04-053	260-24-190	REP-P	96-09-097	260-48-100	REP	96-10-014
251-12-106	NEW-C	96-07-091	260-24-200	REP-P	96-09-097	260-48-110	REP-P	96-04-066
251-12-106	NEW	96-09-055	260-24-210	REP-P	96-09-097	260-48-110	REP	96-10-014
251-12-180	AMD-P	96-04-053	260-24-220	REP-P	96-09-097	260-48-120	REP-P	96-04-066
251-12-180	AMD-C	96-07-091	260-24-230	REP-P	96-09-097	260-48-120	REP	96-10-014
251-12-180	AMD	96-09-055	260-24-240	REP-P	96-09-097	260-48-130	REP-P	96-04-066
251-12-232	AMD-P	96-04-053	260-24-250	REP-P	96-09-097	260-48-130	REP	96-10-014
251-12-232	AMD-C	96-07-091	260-24-260	REP-P	96-09-097	260-48-140	REP-P	96-04-066
251-12-232	AMD	96-09-055	260-24-270	REP-P	96-09-097	260-48-140	REP	96-10-014
251-14-110	AMD-P	96-04-053	260-24-280	REP-P	96-09-097	260-48-150	REP-P	96-04-066
251-14-110	AMD-C	96-07-091	260-24-290	REP-P	96-09-097	260-48-150	REP	96-10-014
251-14-110	AMD	96-09-055	260-24-300	REP-P	96-09-097	260-48-160	REP-P	96-04-066
251-14-130	NEW-P	96-04-053	260-24-310	REP-P	96-09-097	260-48-160	REP	96-10-014
251-14-130	NEW-C	96-07-091	260-24-320	REP-P	96-09-097	260-48-170	REP-P	96-04-066
251-14-130	NEW	96-09-055	260-24-330	REP-P	96-09-097	260-48-170	REP	96-10-014
251-17-010	AMD	96-02-072	260-24-340	REP-P	96-09-097	260-48-180	REP-P	96-04-066
251-17-150	AMD-P	96-08-086	260-24-350	REP-P	96-09-097	260-48-180	REP	96-10-014
251-17-150	AMD	96-11-061	260-24-360	REP-P	96-09-097	260-48-190	REP-P	96-04-066
251-17-170	AMD	96-02-072	260-24-370	REP-P	96-09-097	260-48-190	REP	96-10-014
251-19-105	REP-W	96-02-069	260-24-380	REP-P	96-09-097	260-48-200	REP-P	96-04-066
251-19-105	AMD-P	96-02-071	260-24-390	REP-P	96-09-097	260-48-200	REP	96-10-014
251-19-105	AMD	96-05-026	260-24-400	REP-P	96-09-097	260-48-210	REP-P	96-04-066
251-22-045	AMD-E	96-15-047	260-24-410	REP-P	96-09-097	260-48-210	REP	96-10-014
251-22-116	AMD-P	96-08-081	260-24-420	REP-P	96-09-097	260-48-220	REP-P	96-04-066
251-22-116	AMD-C	96-09-089	260-24-430	REP-P	96-09-097	260-48-220	REP	96-10-014
251-22-116	AMD	96-13-077	260-24-440	REP-P	96-09-097	260-48-230	REP-P	96-04-066
251-22-124	AMD-E	96-15-047	260-24-450	REP-P	96-09-097	260-48-230	REP	96-10-014
251-22-167	AMD-P	96-08-081	260-24-460	REP-P	96-09-097	260-48-240	REP-P	96-04-066
251-22-167	AMD-C	96-09-089	260-24-465	REP-P	96-09-097	260-48-240	REP	96-10-014
251-22-167	AMD	96-13-077	260-24-470	REP-P	96-09-097	260-48-250	REP-P	96-04-066
251-22-195	AMD-P	96-08-081	260-24-480	REP-P	96-09-097	260-48-250	REP	96-10-014
251-22-195	AMD-C	96-09-089	260-24-500	NEW-P	96-09-097	260-48-260	REP-P	96-04-066
251-22-195	AMD	96-13-077	260-24-510	NEW-P	96-09-097	260-48-260	REP	96-10-014
251-22-197	REP-P	96-08-081	260-24-520	NEW-P	96-09-097	260-48-270	REP-P	96-04-066
251-22-197	REP-C	96-09-089	260-24-530	NEW-P	96-09-097	260-48-270	REP	96-10-014
251-22-197	REP	96-13-077	260-24-540	NEW-P	96-09-097	260-48-280	REP-P	96-04-066
251-22-200	AMD-P	96-08-081	260-24-550	NEW-P	96-09-097	260-48-280	REP	96-10-014
251-22-200	AMD-C	96-09-089	260-24-560	NEW-P	96-09-097	260-48-290	REP-P	96-04-066
251-22-200	AMD	96-13-077	260-24-570	NEW-P	96-09-097	260-48-290	REP	96-10-014
251-22-250	AMD-P	96-08-084	260-24-580	NEW-P	96-09-097	260-48-300	REP-P	96-04-066
251-22-250	AMD	96-11-059	260-24-590	NEW-P	96-09-097	260-48-300	REP	96-10-014
251-22-260	AMD-E	96-15-047	260-24-600	NEW-P	96-09-097	260-48-305	REP-P	96-04-066
251-22-270	AMD-W	96-02-069	260-24-610	NEW-P	96-09-097	260-48-305	REP	96-10-014
251-22-270	AMD-P	96-08-084	260-24-620	NEW-P	96-09-097	260-48-310	REP-P	96-04-066
251-22-270	AMD	96-11-059	260-24-630	NEW-P	96-09-097	260-48-310	REP	96-10-014
251-22-280	AMD-P	96-08-084	260-24-640	NEW-P	96-09-097	260-48-320	REP-P	96-04-066
251-22-280	AMD	96-11-059	260-24-650	NEW-P	96-09-097	260-48-320	REP	96-10-014
251-22-280	AMD-E	96-15-047	260-24-660	NEW-P	96-09-097	260-48-322	REP-P	96-04-066
251-22-290	AMD-P	96-08-084	260-24-670	NEW-P	96-09-097	260-48-322	REP	96-10-014

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-48-324	REP-P	96-04-066	260-48-920	NEW-P	96-04-066	260-60-410	NEW	96-12-008
260-48-324	REP	96-10-014	260-48-920	NEW	96-10-014	260-60-420	NEW-P	96-09-098
260-48-326	REP-P	96-04-066	260-52	PREP	96-12-085	260-60-420	NEW	96-12-008
260-48-326	REP	96-10-014	260-60	PREP	96-03-145	260-60-430	NEW-P	96-09-098
260-48-327	REP-P	96-04-066	260-60-010	REP-P	96-09-098	260-60-430	NEW	96-12-008
260-48-327	REP	96-10-014	260-60-010	REP	96-12-008	260-60-440	NEW-P	96-09-098
260-48-328	REP-P	96-04-066	260-60-010	REP-P	96-09-098	260-60-440	NEW	96-12-008
260-48-328	REP	96-10-014	260-60-020	REP-P	96-12-008	260-60-450	NEW-P	96-09-098
260-48-330	REP-P	96-04-066	260-60-020	REP	96-12-008	260-60-450	NEW	96-12-008
260-48-330	REP	96-10-014	260-60-030	REP-P	96-09-098	260-60-460	NEW-P	96-09-098
260-48-331	REP-P	96-04-066	260-60-030	REP	96-12-008	260-60-460	NEW	96-12-008
260-48-331	REP	96-10-014	260-60-040	REP-P	96-09-098	260-60-470	NEW-P	96-09-098
260-48-340	REP-P	96-04-066	260-60-040	REP	96-12-008	260-60-470	NEW	96-12-008
260-48-340	REP	96-10-014	260-60-050	REP-P	96-09-098	260-70-010	REP-P	96-04-067
260-48-350	REP-P	96-04-066	260-60-050	REP	96-12-008	260-70-010	REP	96-10-001
260-48-350	REP	96-10-014	260-60-060	REP-P	96-09-098	260-70-021	REP-P	96-04-067
260-48-500	NEW-P	96-04-066	260-60-060	REP	96-12-008	260-70-021	REP	96-10-001
260-48-500	NEW	96-10-014	260-60-070	REP-P	96-09-098	260-70-025	REP-P	96-04-067
260-48-510	NEW-P	96-04-066	260-60-070	REP	96-12-008	260-70-025	REP	96-10-001
260-48-510	NEW	96-10-014	260-60-080	REP-P	96-09-098	260-70-026	REP-P	96-04-067
260-48-520	NEW-P	96-04-066	260-60-080	REP	96-12-008	260-70-026	REP	96-10-001
260-48-520	NEW	96-10-014	260-60-090	REP-P	96-09-098	260-70-026	REP-P	96-04-067
260-48-530	NEW-P	96-04-066	260-60-090	REP	96-12-008	260-70-027	REP-P	96-10-001
260-48-530	NEW	96-10-014	260-60-100	REP-P	96-09-098	260-70-027	REP	96-10-001
260-48-540	NEW-P	96-04-066	260-60-100	REP	96-12-008	260-70-028	REP-P	96-04-067
260-48-540	NEW	96-10-014	260-60-110	REP-P	96-09-098	260-70-028	REP	96-10-001
260-48-550	NEW-P	96-04-066	260-60-110	REP	96-12-008	260-70-029	REP-P	96-04-067
260-48-550	NEW	96-10-014	260-60-115	REP-P	96-09-098	260-70-029	REP	96-10-001
260-48-560	NEW-P	96-04-066	260-60-115	REP	96-12-008	260-70-031	REP-P	96-04-067
260-48-560	NEW	96-10-014	260-60-120	REP-P	96-09-098	260-70-031	REP	96-10-001
260-48-570	NEW-P	96-04-066	260-60-120	REP	96-12-008	260-70-032	REP-P	96-04-067
260-48-570	NEW	96-10-014	260-60-130	REP-P	96-09-098	260-70-032	REP	96-10-001
260-48-580	NEW-P	96-04-066	260-60-130	REP	96-12-008	260-70-032	REP-P	96-04-067
260-48-580	NEW	96-10-014	260-60-140	REP-P	96-09-098	260-70-040	REP-P	96-04-067
260-48-590	NEW-P	96-04-066	260-60-140	REP	96-12-008	260-70-040	REP	96-10-001
260-48-590	NEW	96-10-014	260-60-150	REP-P	96-09-098	260-70-050	REP-P	96-04-067
260-48-600	NEW-P	96-04-066	260-60-150	REP	96-12-008	260-70-050	REP	96-10-001
260-48-600	NEW	96-10-014	260-60-160	REP-P	96-09-098	260-70-060	REP-P	96-04-067
260-48-610	NEW-P	96-04-066	260-60-160	REP	96-12-008	260-70-060	REP	96-10-001
260-48-610	NEW	96-10-014	260-60-170	REP-P	96-09-098	260-70-070	REP-P	96-04-067
260-48-620	NEW-P	96-04-066	260-60-170	REP	96-12-008	260-70-070	REP	96-10-001
260-48-620	NEW	96-10-014	260-60-180	REP-P	96-09-098	260-70-080	REP-P	96-04-067
260-48-630	NEW-P	96-04-066	260-60-180	REP	96-12-008	260-70-080	REP	96-10-001
260-48-630	NEW	96-10-014	260-60-190	REP-P	96-09-098	260-70-090	REP-P	96-04-067
260-48-640	NEW-P	96-04-066	260-60-190	REP	96-12-008	260-70-090	REP	96-10-001
260-48-640	NEW	96-10-014	260-60-200	REP-P	96-09-098	260-70-100	REP-P	96-04-067
260-48-650	NEW-P	96-04-066	260-60-200	REP	96-12-008	260-70-100	REP	96-10-001
260-48-650	NEW	96-10-014	260-60-210	REP-P	96-09-098	260-70-110	REP-P	96-04-067
260-48-660	NEW-P	96-04-066	260-60-210	REP	96-12-008	260-70-110	REP	96-10-001
260-48-660	NEW	96-10-014	260-60-230	REP-P	96-09-098	260-70-120	REP-P	96-04-067
260-48-670	NEW-P	96-04-066	260-60-230	REP	96-12-008	260-70-120	REP	96-10-001
260-48-670	NEW	96-10-014	260-60-300	NEW-P	96-09-098	260-70-130	REP-P	96-04-067
260-48-800	NEW-P	96-04-066	260-60-300	NEW	96-12-008	260-70-130	REP	96-10-001
260-48-800	NEW	96-10-014	260-60-310	NEW-P	96-09-098	260-70-140	REP-P	96-04-067
260-48-810	NEW-P	96-04-066	260-60-310	NEW	96-12-008	260-70-140	REP	96-10-001
260-48-810	NEW	96-10-014	260-60-320	NEW-P	96-09-098	260-70-150	REP-P	96-04-067
260-48-820	NEW-P	96-04-066	260-60-320	NEW	96-12-008	260-70-150	REP	96-10-001
260-48-820	NEW	96-10-014	260-60-330	NEW-P	96-09-098	260-70-160	REP-P	96-04-067
260-48-830	NEW-P	96-04-066	260-60-330	NEW	96-12-008	260-70-160	REP	96-10-001
260-48-830	NEW	96-10-014	260-60-340	NEW-P	96-09-098	260-70-170	REP-P	96-04-067
260-48-840	NEW-P	96-04-066	260-60-340	NEW	96-12-008	260-70-170	REP	96-10-001
260-48-840	NEW	96-10-014	260-60-350	NEW-P	96-09-098	260-70-180	REP-P	96-04-067
260-48-850	NEW-P	96-04-066	260-60-350	NEW	96-12-008	260-70-180	REP	96-10-001
260-48-850	NEW	96-10-014	260-60-360	NEW-P	96-09-098	260-70-190	REP-P	96-04-067
260-48-860	NEW-P	96-04-066	260-60-360	NEW	96-12-008	260-70-190	REP	96-10-001
260-48-860	NEW	96-10-014	260-60-370	NEW-P	96-09-098	260-70-200	REP-P	96-04-067
260-48-870	NEW-P	96-04-066	260-60-370	NEW	96-12-008	260-70-200	REP	96-10-001
260-48-870	NEW	96-10-014	260-60-380	NEW-P	96-09-098	260-70-210	REP-P	96-04-067
260-48-890	NEW-P	96-04-066	260-60-380	NEW	96-12-008	260-70-210	REP	96-10-001
260-48-890	NEW	96-10-014	260-60-390	NEW-P	96-09-098	260-70-220	REP-P	96-04-067
260-48-900	NEW-P	96-04-066	260-60-390	NEW	96-12-008	260-70-220	REP	96-10-001
260-48-900	NEW	96-10-014	260-60-400	NEW-P	96-09-098	260-70-230	REP-P	96-04-067
260-48-910	NEW-P	96-04-066	260-60-400	NEW	96-12-008	260-70-240	REP-P	96-04-067
			260-60-410	NEW-P	96-09-098	260-70-240	REP	96-10-001

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260-70-250	REP	96-10-001	275-27-031	PREP	96-12-034	284-58-250	AMD	96-11-004
260-70-260	REP-P	96-04-067	275-27-032	PREP	96-12-034	284-66	AMD-C	96-08-016
260-70-260	REP	96-10-001	275-27-033	PREP	96-12-034	284-66-020	AMD-P	96-04-086
260-70-270	REP-P	96-04-067	275-27-034	PREP	96-12-034	284-66-020	AMD	96-09-047
260-70-270	REP	96-10-001	275-27-035	PREP	96-12-034	284-66-063	AMD-P	96-04-086
260-70-280	REP-P	96-04-067	275-27-036	PREP	96-12-034	284-66-063	AMD	96-09-047
260-70-280	REP	96-10-001	275-27-037	PREP	96-12-034	284-66-063	AMD-P	96-04-086
260-70-290	REP-P	96-04-067	275-27-040	PREP	96-12-034	284-66-077	AMD-P	96-04-086
260-70-290	REP	96-10-001	275-27-050	PREP	96-12-034	284-66-077	AMD	96-09-047
260-70-300	REP-P	96-04-067	275-27-220	PREP	96-12-016	284-66-110	AMD-P	96-04-086
260-70-300	REP	96-10-001	275-27-221	PREP	96-12-016	284-66-110	AMD	96-09-047
260-70-500	NEW-P	96-04-067	275-27-223	PREP	96-12-016	284-66-120	AMD-P	96-04-086
260-70-500	NEW	96-10-001	275-30-020	PREP	96-10-058	284-66-120	AMD	96-09-047
260-70-510	NEW-P	96-04-067	275-46-005	NEW-P	96-14-056	284-66-130	AMD-P	96-04-086
260-70-510	NEW	96-10-001	275-46-010	NEW-P	96-14-056	284-66-130	AMD	96-09-047
260-70-520	NEW-P	96-04-067	275-46-020	NEW-P	96-14-056	284-66-135	NEW-P	96-04-086
260-70-520	NEW	96-10-001	275-46-030	NEW-P	96-14-056	284-66-135	NEW	96-09-047
260-70-530	NEW-P	96-04-067	275-46-040	NEW-P	96-14-056	284-66-142	AMD-P	96-04-086
260-70-530	NEW	96-10-001	275-46-050	NEW-P	96-14-056	284-66-142	AMD	96-09-047
260-70-540	NEW-P	96-04-067	275-46-060	NEW-P	96-14-056	284-66-203	AMD-P	96-04-086
260-70-540	NEW	96-10-001	275-46-070	NEW-P	96-14-056	284-66-203	AMD	96-09-047
260-70-550	NEW-P	96-04-067	275-47	PREP	96-15-081	284-85	PREP	96-15-044
260-70-550	NEW	96-10-001	275-56	PREP	96-12-015	284-85	NEW-C	96-15-085
260-70-560	NEW-P	96-04-067	284-02	AMD-C	96-09-002	284-85-005	NEW-P	96-11-144
260-70-560	NEW	96-10-001	284-02-010	AMD-P	96-04-087	284-85-010	NEW-P	96-11-144
260-70-570	NEW-P	96-04-067	284-02-010	AMD	96-09-038	284-85-015	NEW-P	96-11-144
260-70-570	NEW	96-10-001	284-02-020	AMD-P	96-04-087	284-85-030	NEW-P	96-11-144
260-70-580	NEW-P	96-04-067	284-02-020	AMD	96-09-038	284-85-040	NEW-P	96-11-144
260-70-580	NEW	96-10-001	284-02-030	AMD-P	96-04-087	284-85-045	NEW-P	96-11-144
260-70-590	NEW-P	96-04-067	284-02-030	AMD	96-09-038	284-85-050	NEW-P	96-11-144
260-70-590	NEW	96-10-001	284-02-040	AMD-P	96-04-087	284-85-055	NEW-P	96-11-144
260-70-600	NEW-P	96-04-067	284-02-040	AMD	96-09-038	284-85-060	NEW-P	96-11-144
260-70-600	NEW	96-10-001	284-02-050	AMD-P	96-04-087	284-85-070	NEW-P	96-11-144
260-70-610	NEW-P	96-04-067	284-02-050	AMD	96-09-038	284-85-075	NEW-P	96-11-144
260-70-610	NEW	96-10-001	284-02-060	AMD-P	96-04-087	284-85-080	NEW-P	96-11-144
260-70-620	NEW-P	96-04-067	284-02-060	AMD	96-09-038	284-85-085	NEW-P	96-11-144
260-70-620	NEW	96-10-001	284-02-070	AMD-P	96-04-087	284-85-090	NEW-P	96-11-144
260-70-630	NEW-P	96-04-067	284-02-070	AMD	96-09-038	284-85-100	NEW-P	96-11-144
260-70-630	NEW	96-10-001	284-02-080	AMD-P	96-04-087	284-85-110	NEW-P	96-11-144
260-70-640	NEW-P	96-04-067	284-02-080	AMD	96-09-038	284-85-900	NEW-P	96-11-144
260-70-640	NEW	96-10-001	284-02-100	AMD-P	96-04-087	286-04-010	AMD-P	96-04-054
260-70-650	NEW-P	96-04-067	284-02-100	AMD	96-09-038	286-04-010	AMD	96-08-044
260-70-650	NEW	96-10-001	284-07	AMD-C	96-08-017	286-04-030	AMD-P	96-04-054
260-70-660	NEW-P	96-04-067	284-07	AMD-C	96-09-046	286-04-030	AMD	96-08-044
260-70-660	NEW	96-10-001	284-07	AMD-C	96-11-046	286-04-060	AMD-P	96-04-054
260-70-670	NEW-P	96-04-067	284-07-050	AMD-P	96-05-091	286-04-060	AMD	96-08-044
260-70-670	NEW	96-10-001	284-07-050	AMD-C	96-11-046	286-04-070	AMD-P	96-04-054
260-70-680	NEW-P	96-04-067	284-07-070	AMD-P	96-05-091	286-04-070	AMD	96-08-044
260-70-680	NEW	96-10-001	284-07-070	AMD-C	96-11-046	286-04-080	AMD-P	96-04-054
260-70-690	NEW-P	96-04-067	284-10-140	NEW-C	96-03-033	286-04-080	AMD	96-08-044
260-70-690	NEW	96-10-001	284-10-140	NEW-C	96-03-075	286-04-090	AMD-P	96-04-054
260-70-700	NEW-P	96-04-067	284-10-140	NEW	96-04-060	286-04-090	AMD	96-08-044
260-70-700	NEW	96-10-001	284-17	AMD-C	96-15-085	286-13-010	AMD-P	96-04-054
260-70-710	NEW-P	96-04-067	284-17-220	AMD-P	96-11-144	286-13-010	AMD	96-08-044
260-70-710	NEW	96-10-001	284-17-230	AMD-P	96-11-144	286-13-020	AMD-P	96-04-054
260-70-720	NEW-P	96-04-067	284-43	AMD-P	96-12-072	286-13-020	AMD	96-08-044
260-70-720	NEW	96-10-001	284-43-100	NEW-P	96-12-072	286-13-030	AMD-P	96-04-054
260-70-730	NEW-P	96-04-067	284-44-140	AMD-P	96-07-081	286-13-030	AMD	96-08-044
260-70-730	NEW	96-10-001	284-44-140	AMD	96-11-004	286-13-040	AMD-P	96-04-054
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275-16-085	AMD-P	96-15-057	284-44-345	REP-C	96-08-017	286-13-045	NEW-P	96-04-054
275-26-010	AMD-P	96-07-090	284-44-345	REP-C	96-09-046	286-13-045	NEW	96-08-044
275-26-010	AMD	96-10-076	284-44-345	REP-C	96-11-046	286-13-060	AMD-P	96-04-054
275-26-074	NEW-P	96-07-090	284-46-025	NEW-P	96-07-081	286-13-060	AMD	96-08-044
275-26-074	NEW	96-10-076	284-46-025	NEW	96-11-004	286-13-070	AMD-P	96-04-054
275-26-076	NEW-P	96-07-090	284-46-060	REP-P	96-05-091	286-13-070	AMD	96-08-044
275-26-076	NEW	96-10-076	284-46-060	REP-C	96-08-017	286-13-080	AMD-P	96-04-054
275-26-077	NEW-P	96-07-090	284-46-060	REP-C	96-09-046	286-13-080	AMD	96-08-044
275-26-077	NEW	96-10-076	284-46-060	REP-C	96-11-046	286-13-085	AMD-P	96-04-054
275-27	PREP	96-12-015	284-54-170	NEW-W	96-04-018	286-13-085	AMD	96-08-044
275-27-020	PREP	96-12-034	284-58-030	AMD-P	96-07-081	286-13-085	AMD-P	96-11-112
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286-13-100	AMD-P	96-04-054	292-06-090	NEW-P	96-04-083	296-15-190	PREP	96-12-094
286-13-100	AMD	96-08-044	292-06-100	NEW-P	96-04-083	296-15-255	PREP	96-12-094
286-13-110	AMD-P	96-04-054	292-06-110	NEW-P	96-04-083	296-15-260	PREP	96-12-094
286-13-110	AMD	96-08-044	292-06-130	NEW-P	96-04-083	296-17	PREP	96-09-100
286-13-115	AMD-P	96-04-054	292-06-140	NEW-P	96-04-083	296-17	PREP	96-15-088
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286-26-030	REP-P	96-04-054	292-06-220	NEW-P	96-04-083	296-17-440	AMD	96-12-039
286-26-030	REP	96-08-044	292-06-230	NEW-P	96-04-083	296-17-45003	AMD-P	96-05-064
286-26-080	AMD-P	96-04-054	292-06-240	NEW-P	96-04-083	296-17-45003	AMD-P	96-05-065
286-26-080	AMD	96-08-044	292-06-250	NEW-P	96-04-083	296-17-45003	AMD	96-12-039
286-26-100	AMD-P	96-04-054	292-06-270	NEW-P	96-04-083	296-17-501	AMD-P	96-05-064
286-26-100	AMD	96-08-044	292-06-280	NEW-P	96-04-083	296-17-501	AMD-P	96-05-065
286-26-110	NEW-P	96-04-054	292-08-010	REP-P	96-05-006	296-17-501	AMD	96-12-039
286-26-110	NEW	96-08-044	292-08-020	REP-P	96-05-006	296-17-502	REP-P	96-05-064
286-27-010	AMD-P	96-04-054	292-08-030	REP-P	96-05-006	296-17-502	REP-P	96-05-065
286-27-010	AMD	96-08-044	292-08-040	REP-P	96-05-006	296-17-502	REP	96-12-039
286-27-030	REP-P	96-04-054	292-08-050	REP-P	96-05-006	296-17-503	AMD-P	96-05-064
286-27-030	REP	96-08-044	292-12-010	REP-P	96-05-006	296-17-503	AMD-P	96-05-065
286-27-040	AMD-P	96-04-054	292-12-020	REP-P	96-05-006	296-17-503	AMD	96-12-039
286-27-040	AMD	96-08-044	292-12-030	REP-P	96-05-006	296-17-503	AMD-P	96-05-064
286-27-050	AMD-P	96-04-054	292-12-040	REP-P	96-05-006	296-17-505	AMD-P	96-05-065
286-27-050	AMD	96-08-044	292-12-050	REP-P	96-05-006	296-17-505	AMD	96-12-039
286-27-055	NEW-P	96-04-054	292-12-060	REP-P	96-05-006	296-17-50603	NEW-P	96-05-064
286-27-055	NEW	96-08-044	292-12-070	REP-P	96-05-006	296-17-50603	NEW	96-12-039
286-27-065	NEW-P	96-04-054	292-12-080	REP-P	96-05-006	296-17-507	REP-P	96-05-064
286-27-065	NEW	96-08-044	292-12-090	REP-P	96-05-006	296-17-507	NEW-P	96-05-065
286-27-070	REP-P	96-04-054	292-12-110	REP-P	96-05-006	296-17-507	REP	96-12-039
286-27-070	REP	96-08-044	292-12-120	REP-P	96-05-006	296-17-50703	NEW-P	96-05-065
286-27-075	NEW-P	96-04-054	292-12-130	REP-P	96-05-006	296-17-508	AMD-P	96-05-064
286-27-075	NEW	96-08-044	292-12-140	REP-P	96-05-006	296-17-508	AMD-P	96-05-065
286-27-080	REP-P	96-04-054	292-12-150	REP-P	96-05-006	296-17-508	AMD	96-12-039
286-27-080	REP	96-08-044	292-12-160	REP-P	96-05-006	296-17-508	REP-P	96-05-064
286-30-010	AMD-P	96-04-054	292-12-170	REP-P	96-05-006	296-17-50904	REP-P	96-05-065
286-30-010	AMD	96-08-044	292-12-180	REP-P	96-05-006	296-17-50904	REP	96-12-039
286-30-020	REP-P	96-04-054	292-100-010	NEW-E	96-03-072	296-17-50908	NEW-P	96-05-064
286-30-020	REP	96-08-044	292-100-010	NEW-P	96-15-095	296-17-50908	NEW-P	96-05-065
286-30-030	AMD-P	96-04-054	292-100-020	NEW-E	96-03-072	296-17-50908	NEW	96-12-039
286-30-030	AMD	96-08-044	292-100-020	NEW-P	96-15-095	296-17-50910	NEW-P	96-05-064
286-35	AMD-P	96-04-054	292-100-030	NEW-E	96-03-072	296-17-50910	NEW-P	96-05-065
286-35	AMD	96-08-044	292-100-030	NEW-P	96-15-095	296-17-50910	NEW	96-12-039
286-35-020	REP-P	96-04-054	292-100-040	NEW-E	96-03-072	296-17-50912	NEW-P	96-05-064
286-35-020	REP	96-08-044	292-100-040	NEW-P	96-15-095	296-17-50912	NEW-P	96-05-065
286-35-030	AMD-P	96-04-054	292-100-050	NEW-E	96-03-072	296-17-50912	NEW	96-12-039
286-35-030	AMD	96-08-044	292-100-050	NEW-P	96-15-095	296-17-50915	NEW-P	96-05-064
286-35-040	AMD-P	96-04-054	292-100-060	NEW-E	96-03-072	296-17-50915	NEW-P	96-05-065
286-35-040	AMD	96-08-044	292-100-060	NEW-P	96-15-095	296-17-50915	NEW	96-12-039
286-35-050	REP-P	96-04-054	292-100-070	NEW-E	96-03-072	296-17-50917	NEW-P	96-05-064
286-35-050	REP	96-08-044	292-100-070	NEW-P	96-15-095	296-17-50917	NEW-P	96-05-065
286-35-060	AMD-P	96-04-054	292-100-080	NEW-E	96-03-072	296-17-50917	NEW	96-12-039
286-35-060	AMD	96-08-044	292-100-080	NEW-P	96-15-095	296-17-510	AMD-P	96-05-064
286-35-070	REP-P	96-04-054	292-100-090	NEW-E	96-03-072	296-17-510	AMD-P	96-05-065
286-35-070	REP	96-08-044	292-100-090	NEW-P	96-15-095	296-17-510	AMD	96-12-039
286-40-010	AMD-P	96-04-054	292-100-100	NEW-E	96-03-072	296-17-511	AMD-P	96-05-064
286-40-010	AMD	96-08-044	292-100-100	NEW-P	96-15-095	296-17-511	AMD-P	96-05-065
286-40-020	AMD-P	96-04-054	292-100-110	NEW-E	96-03-072	296-17-511	AMD	96-12-039
286-40-020	AMD	96-08-044	292-100-110	NEW-P	96-15-095	296-17-51101	NEW-P	96-05-064
286-40-030	AMD-P	96-04-054	292-100-120	NEW-P	96-15-095	296-17-51101	NEW-P	96-05-065
286-40-030	AMD	96-08-044	292-100-130	NEW-P	96-15-095	296-17-51101	NEW	96-12-039
292-04-270	AMD-E	96-03-092	292-100-140	NEW-P	96-15-095	296-17-512	AMD-P	96-05-064
292-06-001	NEW-P	96-04-083	292-100-150	NEW-P	96-15-095	296-17-512	AMD-P	96-05-065
292-06-005	NEW-P	96-04-083	292-100-160	NEW-P	96-15-095	296-17-512	AMD	96-12-039
292-06-010	NEW-P	96-04-083	292-100-170	NEW-P	96-15-095	296-17-513	AMD-P	96-05-064
292-06-020	NEW-P	96-04-083	292-100-180	NEW-P	96-15-095	296-17-513	AMD-P	96-05-065
292-06-030	NEW-P	96-04-083	292-100-190	NEW-P	96-15-095	296-17-513	AMD	96-12-039
292-06-040	NEW-P	96-04-083	292-100-200	NEW-P	96-15-095	296-17-51301	NEW-P	96-05-064
292-06-050	NEW-P	96-04-083	292-110-020	NEW-P	96-15-094	296-17-51301	NEW-P	96-05-065
292-06-060	NEW-P	96-04-083	292-110-030	NEW-P	96-15-093	296-17-51301	AMD	96-12-039
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296-17-519	AMD-P	96-05-064	296-17-540	AMD	96-12-039	296-17-57603	AMD-P	96-05-064
296-17-519	AMD-P	96-05-065	296-17-54101	AMD-P	96-05-064	296-17-57603	AMD-P	96-05-065
296-17-519	AMD	96-12-039	296-17-54101	AMD-P	96-05-065	296-17-57603	AMD	96-12-039
296-17-52002	AMD-P	96-05-064	296-17-54101	AMD	96-12-039	296-17-579	REP-P	96-05-064
296-17-52002	AMD-P	96-05-065	296-17-545	AMD-P	96-05-064	296-17-579	REP-P	96-05-065
296-17-52002	AMD	96-12-039	296-17-545	AMD-P	96-05-065	296-17-579	REP	96-12-039
296-17-52103	AMD-P	96-05-064	296-17-545	AMD	96-12-039	296-17-580	AMD-P	96-05-064
296-17-52103	AMD-P	96-05-065	296-17-546	AMD-P	96-05-064	296-17-580	AMD-P	96-05-065
296-17-52103	AMD	96-12-039	296-17-546	AMD-P	96-05-065	296-17-580	AMD	96-12-039
296-17-52104	AMD-P	96-05-064	296-17-546	AMD	96-12-039	296-17-582	AMD-P	96-05-064
296-17-52104	AMD-P	96-05-065	296-17-546	AMD-P	96-05-064	296-17-582	AMD-P	96-05-065
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296-54-565	AMD-P	96-09-101	296-104-255	PREP	96-09-086	296-150B-035	REP-P	96-15-089
296-54-567	AMD-P	96-09-101	296-104-256	PREP	96-09-086	296-150B-040	REP-P	96-15-089
296-54-575	AMD-P	96-09-101	296-104-260	PREP	96-09-086	296-150B-045	REP-P	96-15-089
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296-54-593	AMD-P	96-09-101	296-116-185	PREP	96-05-054	296-150B-055	REP-P	96-15-089
296-54-595	AMD-P	96-09-101	296-116-185	AMD-P	96-10-055	296-150B-060	REP-P	96-15-089
296-54-597	AMD-P	96-09-101	296-116-185	AMD-C	96-13-057	296-150B-065	REP-P	96-15-089
296-54-601	AMD-P	96-09-101	296-116-185	AMD	96-14-062	296-150B-070	REP-P	96-15-089
296-54-605	AMD-P	96-09-101	296-116-300	PREP	96-04-052	296-150B-075	REP-P	96-15-089
296-62-05413	PREP	96-14-118	296-116-300	AMD-P	96-08-067	296-150B-080	REP-P	96-15-089
296-62-07306	AMD-P	96-03-024	296-116-300	AMD	96-12-017	296-150B-085	REP-P	96-15-089
296-62-07306	AMD	96-09-030	296-126-098	AMD-P	96-14-115	296-150B-090	REP-P	96-15-089
296-62-07342	AMD-P	96-03-024	296-126-224	REP-P	96-14-115	296-150B-095	REP-P	96-15-089
296-62-07342	AMD	96-09-030	296-128-013	NEW-P	96-14-116	296-150B-100	REP-P	96-15-089
296-62-07445	AMD-P	96-03-024	296-150A	PREP	96-06-032	296-150B-105	REP-P	96-15-089
296-62-07445	AMD	96-09-030	296-150A-005	REP-P	96-15-089	296-150B-110	REP-P	96-15-089
296-62-07515	PREP	96-05-077	296-150A-011	REP-P	96-15-089	296-150B-115	REP-P	96-15-089
296-62-07515	AMD-P	96-10-085	296-150A-016	REP-P	96-15-089	296-150B-120	REP-P	96-15-089
296-62-07521	AMD-P	96-03-024	296-150A-021	REP-P	96-15-089	296-150B-125	REP-P	96-15-089
296-62-07521	AMD	96-09-030	296-150A-024	REP-P	96-15-089	296-150B-130	REP-P	96-15-089
296-62-07533	AMD-P	96-03-024	296-150A-030	REP-P	96-15-089	296-150B-135	REP-P	96-15-089
296-62-07533	AMD	96-09-030	296-150A-035	REP-P	96-15-089	296-150B-140	REP-P	96-15-089
296-62-07550	AMD-P	96-03-024	296-150A-040	REP-P	96-15-089	296-150B-145	REP-P	96-15-089
296-62-07550	AMD	96-09-030	296-150A-045	REP-P	96-15-089	296-150B-150	REP-P	96-15-089
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296-62-07668	AMD	96-09-030	296-150A-055	REP-P	96-15-089	296-150B-160	REP-P	96-15-089
296-62-07705	AMD-E	96-08-072	296-150A-060	REP-P	96-15-089	296-150B-165	REP-P	96-15-089
296-62-07739	AMD-P	96-03-024	296-150A-065	REP-P	96-15-089	296-150B-175	REP-P	96-15-089
296-62-07739	AMD	96-09-030	296-150A-070	REP-P	96-15-089	296-150B-180	REP-P	96-15-089
296-65-003	AMD	96-05-056	296-150A-075	REP-P	96-15-089	296-150B-185	REP-P	96-15-089
296-65-005	AMD	96-05-056	296-150A-080	REP-P	96-15-089	296-150B-200	REP-P	96-15-089
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296-65-015	AMD	96-05-056	296-150A-100	REP-P	96-15-089	296-150B-220	REP-P	96-15-089
296-65-015	PREP	96-14-119	296-150A-105	REP-P	96-15-089	296-150B-225	REP-P	96-15-089
296-65-020	AMD	96-05-056	296-150A-110	REP-P	96-15-089	296-150B-230	REP-P	96-15-089
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296-65-050	AMD	96-05-056	296-150A-120	REP-P	96-15-089	296-150B-240	REP-P	96-15-089
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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	296-305-02015	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	296-305-02019	NEW-C	96-03-026	296-305-06507	AMD	96-11-067
296-155-50503	AMD-P	96-11-116	296-305-025	AMD-C	96-03-026	296-305-06509	AMD-C	96-03-026
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296-155-715	AMD-P	96-11-116	296-305-02501	NEW	96-11-067	296-305-06511	AMD	96-11-067
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296-305-001	REP	96-11-067	296-305-03001	NEW	96-11-067	296-305-06515	AMD	96-11-067
296-305-003	AMD-C	96-03-026	296-305-03001	AMD-C	96-03-026	296-305-06517	AMD-C	96-03-026
296-305-003	REP	96-11-067	296-305-035	REP	96-11-067	296-305-06517	AMD	96-11-067
296-305-005	AMD-C	96-03-026	296-305-040	AMD-C	96-03-026	296-305-06519	NEW-C	96-03-026
296-305-005	REP	96-11-067	296-305-040	REP	96-11-067	296-305-06519	NEW	96-11-067
296-305-007	AMD-C	96-03-026	296-305-04001	NEW-C	96-03-026	296-305-070	AMD-C	96-03-026
296-305-007	REP	96-11-067	296-305-04001	NEW	96-11-067	296-305-070	REP	96-11-067
296-305-010	AMD-C	96-03-026	296-305-045	AMD-C	96-03-026	296-305-07001	AMD-C	96-03-026
296-305-010	REP	96-11-067	296-305-045	REP	96-11-067	296-305-07001	AMD	96-11-067
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296-305-01001	NEW	96-11-067	296-305-04501	NEW	96-11-067	296-305-07003	AMD	96-11-067
296-305-01002	NEW-C	96-03-026	296-305-04503	NEW-C	96-03-026	296-305-07005	AMD-C	96-03-026
296-305-01002	NEW	96-11-067	296-305-04503	NEW	96-11-067	296-305-07005	AMD	96-11-067
296-305-01003	NEW-C	96-03-026	296-305-04505	NEW-C	96-03-026	296-305-07007	AMD-C	96-03-026
296-305-01003	NEW	96-11-067	296-305-04505	NEW	96-11-067	296-305-07007	AMD	96-11-067
296-305-01005	NEW-C	96-03-026	296-305-04507	NEW-C	96-03-026	296-305-07009	AMD-C	96-03-026
296-305-01005	NEW	96-11-067	296-305-04507	NEW	96-11-067	296-305-07009	AMD	96-11-067
296-305-01007	NEW-C	96-03-026	296-305-04509	NEW-C	96-03-026	296-305-07011	NEW-C	96-03-026
296-305-01007	NEW	96-11-067	296-305-04509	NEW	96-11-067	296-305-07011	NEW	96-11-067
296-305-01009	NEW-C	96-03-026	296-305-04511	NEW-C	96-03-026	296-305-07013	NEW-C	96-03-026
296-305-01009	NEW	96-11-067	296-305-04511	NEW	96-11-067	296-305-07013	NEW	96-11-067
296-305-01009	AMD-C	96-03-026	296-305-05001	NEW-C	96-03-026	296-305-07015	NEW-C	96-03-026
296-305-015	REP	96-11-067	296-305-05001	NEW	96-11-067	296-305-07015	NEW	96-11-067
296-305-01501	NEW-C	96-03-026	296-305-05003	NEW-C	96-03-026	296-305-07017	NEW-C	96-03-026
296-305-01501	NEW	96-11-067	296-305-05003	NEW	96-11-067	296-305-07017	NEW	96-11-067
296-305-01503	NEW-C	96-03-026	296-305-05005	NEW-C	96-03-026	296-305-07019	NEW-C	96-03-026
296-305-01503	NEW	96-11-067	296-305-05005	NEW	96-11-067	296-305-07019	NEW	96-11-067
296-305-01503	NEW	96-11-067	296-305-05007	NEW-C	96-03-026	296-305-075	AMD-C	96-03-026
296-305-01505	NEW-C	96-03-026	296-305-05007	NEW	96-11-067	296-305-075	REP	96-11-067
296-305-01505	NEW	96-11-067	296-305-05009	NEW-C	96-03-026	296-305-080	AMD-C	96-03-026
296-305-01507	NEW-C	96-03-026	296-305-05009	NEW	96-11-067	296-305-080	REP	96-11-067
296-305-01507	NEW	96-11-067	296-305-05011	NEW-C	96-03-026	296-305-08000	NEW-C	96-03-026
296-305-01509	NEW-C	96-03-026	296-305-05011	NEW	96-11-067	296-305-08000	NEW	96-11-067
296-305-01509	NEW	96-11-067	296-305-05013	NEW-C	96-03-026	296-305-085	AMD-C	96-03-026
296-305-01511	NEW-C	96-03-026	296-305-05013	NEW	96-11-067	296-305-085	REP	96-11-067
296-305-01511	NEW	96-11-067	296-305-05501	NEW-C	96-03-026	296-305-090	AMD-C	96-03-026
296-305-01513	NEW-C	96-03-026	296-305-05501	NEW	96-11-067	296-305-090	REP	96-11-067
296-305-01513	NEW	96-11-067	296-305-05503	NEW-C	96-03-026	296-305-095	AMD-C	96-03-026
296-305-01515	NEW-C	96-03-026	296-305-05503	NEW	96-11-067	296-305-095	REP	96-11-067
296-305-01515	NEW	96-11-067	296-305-060	AMD-C	96-03-026	296-305-100	AMD-C	96-03-026
296-305-01517	NEW-C	96-03-026	296-305-060	REP	96-11-067	296-305-100	REP	96-11-067
296-305-01517	NEW	96-11-067	296-305-06001	AMD-C	96-03-026	296-305-105	AMD-C	96-03-026
296-305-017	AMD-C	96-03-026	296-305-06001	AMD	96-11-067	296-305-105	REP	96-11-067
296-305-017	REP	96-11-067	296-305-06003	AMD-C	96-03-026	296-305-110	AMD-C	96-03-026
296-305-020	AMD-C	96-03-026	296-305-06003	AMD	96-11-067	296-305-110	REP	96-11-067
296-305-020	REP	96-11-067	296-305-06005	AMD-C	96-03-026	296-305-115	AMD-C	96-03-026
296-305-02001	NEW-C	96-03-026	296-305-06005	AMD	96-11-067	296-305-115	REP	96-11-067
296-305-02001	NEW	96-11-067	296-305-06007	AMD-C	96-03-026	296-306	PREP	96-06-034
296-305-02003	NEW-C	96-03-026	296-305-06007	AMD	96-11-067	296-306	PREP	96-06-078
296-305-02003	NEW	96-11-067	296-305-06009	AMD-C	96-03-026	296-306-003	REP-P	96-14-121
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296-305-02007	NEW	96-11-067	296-305-063	AMD-C	96-03-026	296-306-01001	REP-P	96-14-121
296-305-02009	NEW-C	96-03-026	296-305-063	REP	96-11-067	296-306-012	REP-P	96-14-121
296-305-02009	NEW	96-11-067	296-305-064	AMD-C	96-03-026	296-306-015	REP-P	96-14-121
296-305-02011	NEW-C	96-03-026	296-305-064	REP	96-11-067			











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296-306A-50011	NEW-P	96-14-121	308-10-030	AMD	96-05-036	308-89-030	AMD-P	96-11-006
296-306A-50013	NEW-P	96-14-121	308-10-040	AMD	96-05-036	308-89-040	AMD-P	96-11-006
296-306A-50015	NEW-P	96-14-121	308-10-045	AMD	96-05-036	308-89-050	AMD-P	96-11-006
296-306A-50017	NEW-P	96-14-121	308-10-067	AMD	96-05-036	308-89-060	AMD-P	96-11-006
296-306A-50019	NEW-P	96-14-121	308-13-005	AMD-P	96-04-009	308-93-010	AMD-P	96-07-030
296-306A-50021	NEW-P	96-14-121	308-13-005	AMD-C	96-04-040	308-93-010	AMD-S	96-11-128
296-306A-50023	NEW-P	96-14-121	308-13-005	AMD	96-10-013	308-93-050	AMD-P	96-07-030
296-306A-50025	NEW-P	96-14-121	308-13-015	AMD-P	96-04-009	308-93-050	AMD-S	96-11-128
296-306A-50027	NEW-P	96-14-121	308-13-015	AMD-C	96-04-040	308-93-070	AMD	96-04-004
296-306A-50029	NEW-P	96-14-121	308-13-015	AMD	96-10-013	308-93-088	AMD	96-03-046
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296-306A-52001	NEW-P	96-14-121	308-13-024	AMD-C	96-04-040	308-93-174	REP	96-13-055
296-306A-52003	NEW-P	96-14-121	308-13-024	AMD	96-10-013	308-93-440	AMD	96-03-046
296-306A-52005	NEW-P	96-14-121	308-13-050	AMD-P	96-04-009	308-93-670	AMD	96-03-046
296-306A-52007	NEW-P	96-14-121	308-13-050	AMD-C	96-04-040	308-93-700	NEW-P	96-07-030
296-306A-52009	NEW-P	96-14-121	308-13-050	AMD	96-10-013	308-93-700	NEW-S	96-11-128
296-306A-52011	NEW-P	96-14-121	308-13-110	REP-P	96-04-009	308-93-710	NEW-P	96-07-030
296-306A-52013	NEW-P	96-14-121	308-13-110	REP-C	96-04-040	308-93-710	NEW-S	96-11-128
296-306A-52015	NEW-P	96-14-121	308-13-110	REP	96-10-013	308-93-720	NEW-P	96-07-030
296-306A-52017	NEW-P	96-14-121	308-13-150	PREP	96-04-007	308-93-720	NEW-S	96-11-128
296-306A-52019	NEW-P	96-14-121	308-13-150	AMD-P	96-08-005	308-93-730	NEW-P	96-07-030
296-306A-52021	NEW-P	96-14-121	308-13-150	AMD	96-11-132	308-93-730	NEW-S	96-11-128
296-306A-52023	NEW-P	96-14-121	308-14-080	PREP-X	96-13-021	308-93-740	NEW-P	96-07-030
296-306A-52025	NEW-P	96-14-121	308-14-110	PREP-X	96-13-021	388-93-740	NEW-S	96-11-128
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296-306A-52039	NEW-P	96-14-121	308-20-109	PREP-X	96-13-021	308-94-030	AMD	96-04-004
296-306A-52041	NEW-P	96-14-121	308-20-140	PREP-X	96-13-021	308-94-035	REP-P	96-09-039
296-306A-52043	NEW-P	96-14-121	308-20-175	PREP-X	96-13-021	308-94-035	REP	96-13-053
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296-306A-53009	NEW-P	96-14-121	308-56A-090	AMD	96-03-047	308-126A-020	PREP-X	96-13-021
296-306A-53011	NEW-P	96-14-121	308-56A-210	AMD	96-03-047	308-126A-030	PREP-X	96-13-021
296-306A-53013	NEW-P	96-14-121	308-57	PREP	96-11-104	308-126A-040	PREP-X	96-13-021
296-306A-53015	NEW-P	96-14-121	308-66-110	AMD-P	96-13-042	308-126B-010	PREP-X	96-13-021
396-306A-53017	NEW-P	96-14-121	308-66-120	AMD-P	96-13-042	308-126B-020	PREP-X	96-13-021
304-12-010	REP	96-04-045	308-66-150	AMD-P	96-13-042	308-126B-030	PREP-X	96-13-021
304-12-020	REP	96-04-045	308-66-155	AMD-P	96-13-042	308-126B-040	PREP-X	96-13-021
304-12-025	REP	96-04-045	308-66-160	AMD-P	96-13-042	308-126B-050	PREP-X	96-13-021
304-12-145	AMD	96-04-045	308-66-170	AMD-P	96-13-042	308-126B-060	PREP-X	96-13-021
304-12-290	AMD	96-04-045	308-66-180	AMD-P	96-13-042	308-126B-070	PREP-X	96-13-021
304-12-350	REP	96-04-045	308-66-190	AMD-P	96-13-042	308-126B-080	PREP-X	96-13-021
304-25-010	REP	96-04-045	308-66-200	AMD-P	96-13-042	308-126B-090	PREP-X	96-13-021
304-25-020	REP	96-04-045	308-66-205	AMD-P	96-13-042	308-126B-100	PREP-X	96-13-021
304-25-030	REP	96-04-045	308-66-206	REP-P	96-13-042	308-126B-110	PREP-X	96-13-021
304-25-040	REP	96-04-045	308-66-210	AMD-P	96-13-042	308-126B-120	PREP-X	96-13-021
304-25-050	REP	96-04-045	308-66-211	AMD-P	96-13-042	308-126B-130	PREP-X	96-13-021
304-25-060	REP	96-04-045	308-66-212	AMD-P	96-13-042	308-126B-140	PREP-X	96-13-021
304-25-110	REP	96-04-045	308-66-214	AMD-P	96-13-042	308-126C-010	PREP-X	96-13-021
304-25-120	REP	96-04-045	308-66-215	REP-P	96-13-042	308-126C-020	PREP-X	96-13-021
304-25-510	REP	96-04-045	308-66-227	NEW-P	96-13-042	308-126C-030	PREP-X	96-13-021
304-25-520	REP	96-04-045	308-66-230	REP-P	96-13-042	308-126C-040	PREP-X	96-13-021
304-25-530	REP	96-04-045	308-87-010	NEW-P	96-11-006	308-126C-050	PREP-X	96-13-021
304-25-540	REP	96-04-045	308-87-020	NEW-P	96-11-006	308-126C-060	PREP-X	96-13-021
304-25-550	REP	96-04-045	308-87-020	NEW-E	96-12-076	308-126C-070	PREP-X	96-13-021
304-25-555	REP	96-04-045	308-87-030	NEW-P	96-11-006	308-126C-080	PREP-X	96-13-021
304-25-560	REP	96-04-045	308-87-040	NEW-P	96-11-006	308-126C-090	PREP-X	96-13-021
304-25-570	REP	96-04-045	308-87-050	NEW-P	96-11-006	308-126C-100	PREP-X	96-13-021
304-25-580	REP	96-04-045	308-87-060	NEW-P	96-11-006	308-126C-110	PREP-X	96-13-021
304-25-590	REP	96-04-045	308-87-060	NEW-E	96-12-076	308-128A	PREP	96-06-084
308-04-001	PREP-X	96-13-021	308-87-070	NEW-P	96-11-006	308-128A-010	DECOD	96-05-018
308-10-010	AMD	96-05-036	308-87-080	NEW-P	96-11-006	308-128A-020	DECOD	96-05-018

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308-128A-030	DECOD	96-05-018	308-129-320	NEW	96-14-092	315-11A-163	AMD-P	96-15-126
308-128A-040	DECOD	96-05-018	308-330-300	AMD-P	96-10-039	315-11A-164	NEW-P	96-03-157
308-128B	PREP	96-06-084	308-330-300	AMD	96-13-089	315-11A-164	NEW	96-07-015
308-128B-010	DECOD	96-05-018	308-330-305	AMD-P	96-10-039	315-11A-164	PREP	96-08-071
308-128B-020	DECOD	96-05-018	308-330-305	AMD	96-13-089	315-11A-164	PREP	96-09-103
308-128B-030	DECOD	96-05-018	308-330-307	AMD-P	96-10-039	315-11A-164	AMD-P	96-12-096
308-128B-050	DECOD	96-05-018	308-330-307	AMD	96-13-089	315-11A-164	AMD	96-15-124
308-128B-070	DECOD	96-05-018	308-330-316	AMD-P	96-10-039	315-11A-165	NEW-P	96-03-157
308-128B-080	DECOD	96-05-018	308-330-316	AMD	96-13-089	315-11A-165	NEW	96-07-015
308-128B-090	DECOD	96-05-018	308-330-400	AMD-P	96-10-039	315-11A-166	NEW-P	96-03-157
308-128C	PREP	96-06-084	308-330-400	AMD	96-13-089	315-11A-166	NEW	96-07-015
308-128C-020	DECOD	96-05-018	314-10-090	AMD-P	96-13-043	315-11A-167	NEW-P	96-03-157
308-128C-030	DECOD	96-05-018	314-10-100	PREP	96-15-042	315-11A-167	NEW	96-07-015
308-128C-040	DECOD	96-05-018	314-12-020	AMD	96-03-004	315-11A-167	AMD-P	96-12-096
308-128C-050	DECOD	96-05-018	314-12-025	AMD	96-03-004	315-11A-167	AMD	96-15-124
308-128D	PREP	96-06-084	314-12-035	AMD	96-03-004	315-11A-168	NEW-P	96-07-104
308-128D-010	DECOD	96-05-018	314-12-070	AMD	96-03-004	315-11A-168	NEW	96-11-107
308-128D-020	DECOD	96-05-018	314-12-080	AMD	96-03-004	315-11A-169	NEW-P	96-07-104
308-128D-030	DECOD	96-05-018	314-14-010	NEW	96-03-074	315-11A-169	NEW	96-11-107
308-128D-040	DECOD	96-05-018	314-14-020	NEW	96-03-074	315-11A-169	AMD-P	96-12-096
308-128D-050	DECOD	96-05-018	314-14-030	NEW	96-03-074	315-11A-169	AMD	96-15-124
308-128D-060	DECOD	96-05-018	314-14-040	NEW	96-03-074	315-11A-170	NEW-P	96-07-104
308-128D-070	DECOD	96-05-018	314-14-050	NEW	96-03-074	315-11A-170	NEW	96-11-107
308-128D-080	DECOD	96-05-018	314-14-060	NEW	96-03-074	315-11A-171	NEW-P	96-07-104
308-128E	PREP	96-06-084	314-14-070	NEW	96-03-074	315-11A-171	NEW	96-11-107
308-128E-011	DECOD	96-05-018	314-14-080	NEW	96-03-074	315-11A-172	NEW-P	96-07-104
308-128F	PREP	96-06-084	314-14-090	NEW	96-03-074	315-11A-172	NEW	96-11-107
308-128F-010	DECOD	96-05-018	314-14-100	NEW	96-03-074	315-11A-173	NEW-P	96-07-104
308-128F-020	DECOD	96-05-018	314-14-110	NEW	96-03-074	315-11A-173	NEW	96-11-107
308-128F-040	DECOD	96-05-018	314-14-120	NEW	96-03-074	315-11A-174	NEW-P	96-12-096
308-128F-050	DECOD	96-05-018	314-14-130	NEW	96-03-074	315-11A-174	NEW	96-15-124
308-128F-060	DECOD	96-05-018	314-14-140	NEW	96-03-074	315-11A-175	NEW-P	96-12-096
308-128F-070	DECOD	96-05-018	314-14-150	NEW	96-03-074	315-11A-175	NEW	96-15-124
308-129-010	NEW-W	96-08-057	314-14-160	NEW	96-03-074	315-11A-176	NEW-P	96-12-096
308-129-010	NEW-P	96-11-102	314-14-170	NEW-W	96-13-087	315-11A-176	NEW	96-15-124
308-129-010	NEW	96-14-092	314-16-196	AMD	96-03-005	315-11A-177	NEW-P	96-12-096
308-129-011	NEW-E	96-09-056	314-20-100	AMD-P	96-07-101	315-11A-177	NEW	96-15-124
308-129-020	NEW-W	96-08-057	314-20-100	AMD-W	96-11-075	315-11A-178	NEW-P	96-12-096
308-129-020	NEW-P	96-11-102	314-24-190	AMD-P	96-07-101	315-11A-178	NEW	96-15-124
308-129-020	NEW	96-14-092	314-24-190	AMD-W	96-11-075	315-11A-179	NEW-P	96-12-096
308-129-021	NEW-E	96-09-056	314-24-220	AMD-P	96-07-100	315-11A-179	NEW	96-15-124
308-129-030	NEW-W	96-08-057	314-24-220	AMD	96-11-076	315-11A-180	NEW-P	96-15-126
308-129-030	NEW-P	96-11-102	314-70-010	AMD	96-03-004	315-11A-181	NEW-P	96-15-126
308-129-030	NEW	96-14-092	314-70-030	AMD	96-03-004	315-11A-182	NEW-P	96-15-126
308-129-031	NEW-E	96-09-056	315-04-220	AMD	96-03-039	315-11A-183	NEW-P	96-15-126
308-129-100	NEW-W	96-08-057	315-06	PREP	96-09-103	315-34	PREP	96-08-004
308-129-100	NEW-P	96-11-102	315-06-120	PREP	96-12-095	315-34-010	AMD-P	96-12-096
308-129-100	NEW	96-14-092	315-06-120	AMD-P	96-12-096	315-34-010	AMD	96-15-054
308-129-101	NEW-E	96-09-056	315-06-120	AMD	96-15-124	315-34-020	AMD-P	96-12-096
308-129-110	NEW-W	96-08-057	315-06-120	AMD-P	96-15-126	315-34-020	AMD	96-15-054
308-129-110	NEW-P	96-11-102	315-06-123	NEW-P	96-12-096	315-34-040	AMD-P	96-12-096
308-129-110	NEW	96-14-092	315-06-123	NEW	96-15-124	315-34-040	AMD	96-15-054
308-129-111	NEW-E	96-09-056	315-10	PREP	96-15-123	315-34-070	NEW-P	96-12-096
308-129-120	NEW-W	96-08-057	315-10-050	PREP	96-03-156	315-34-070	NEW	96-15-054
308-129-120	NEW-P	96-11-102	315-10-050	REP-P	96-07-104	315-34-080	NEW-P	96-12-096
308-129-120	NEW	96-14-092	315-10-050	REP	96-11-107	315-34-080	NEW	96-15-054
308-129-130	NEW-W	96-08-057	315-10-070	PREP	96-15-123	315-34-090	NEW-P	96-12-096
308-129-130	NEW-P	96-11-102	315-11	PREP	96-15-123	315-34-090	NEW	96-15-054
308-129-130	NEW	96-14-092	315-11A	PREP	96-08-004	315-34-100	NEW-P	96-12-096
308-129-200	NEW-W	96-08-057	315-11A-157	NEW-W	96-03-038	315-34-100	NEW	96-15-054
308-129-210	NEW-W	96-08-057	315-11A-157	NEW-P	96-03-157	317-21-020	AMD	96-03-070
308-129-220	NEW-W	96-08-057	315-11A-157	NEW	96-07-015	317-21-030	AMD	96-03-070
308-129-230	NEW-W	96-08-057	315-11A-158	NEW	96-03-039	317-21-120	AMD	96-03-070
308-129-230	NEW-P	96-11-102	315-11A-159	NEW	96-03-039	317-21-200	AMD	96-03-070
308-129-230	NEW	96-14-092	315-11A-160	NEW	96-03-039	317-21-205	AMD	96-03-070
308-129-240	NEW-W	96-08-057	315-11A-161	NEW	96-03-039	317-21-210	AMD	96-03-070
308-129-300	NEW-W	96-08-057	315-11A-162	NEW-P	96-03-157	317-21-215	AMD	96-03-070
308-129-300	NEW-P	96-11-102	315-11A-162	NEW	96-07-015	317-21-235	AMD	96-03-070
308-129-300	NEW	96-14-092	315-11A-162	AMD-P	96-12-096	317-21-245	AMD	96-03-070
308-129-310	NEW-W	96-08-057	315-11A-162	AMD	96-15-124	317-21-265	AMD	96-03-070
308-129-310	NEW-P	96-11-102	315-11A-163	NEW-P	96-03-157	317-21-320	AMD	96-03-070
308-129-310	NEW	96-14-092	315-11A-163	NEW	96-07-015	317-21-345	AMD	96-03-070
308-129-320	NEW-P	96-11-102	315-11A-163	AMD-E	96-15-087	317-21-500	AMD	96-03-070

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
317-21-530	AMD	96-03-070	326-30-041	AMD-P	96-11-100	356-37-020	AMD	96-07-093
317-21-540	AMD	96-03-070	326-30-041	AMD	96-14-064	356-37-030	AMD-P	96-04-052A
317-30	REP-C	96-09-008	326-30-051	AMD-E	96-13-010	356-37-030	AMD	96-07-093
317-30-010	REP-P	96-03-071	326-40-030	PREP	96-07-088	356-37-040	AMD-P	96-04-052A
317-30-010	REP	96-12-077	326-40-060	AMD-E	96-13-010	356-37-040	AMD	96-07-093
317-30-020	REP-P	96-03-071	332-24-221	AMD-P	96-08-027	356-37-050	AMD-P	96-04-052A
317-30-020	REP	96-12-077	332-24-221	AMD	96-12-020	356-37-050	AMD	96-07-093
317-30-030	REP-P	96-03-071	332-24-301	PREP	96-12-021	356-37-100	AMD-P	96-04-052A
317-30-030	REP	96-12-077	332-24-720	AMD	96-03-003	356-37-100	AMD	96-07-093
317-30-040	REP-P	96-03-071	332-26-040	NEW-E	96-13-048	356-37-160	NEW-P	96-04-052A
317-30-040	REP	96-12-077	332-26-050	NEW-E	96-13-048	356-37-160	NEW	96-07-093
317-30-050	REP-P	96-03-071	332-26-060	NEW-E	96-13-048	356-37-170	NEW-P	96-04-052A
317-30-050	REP	96-12-077	352-32-300	PREP	96-13-079	356-37-170	NEW	96-07-093
317-30-060	REP-P	96-03-071	352-32-300	AMD-P	96-15-108	356-42-020	AMD-P	96-06-059
317-30-060	REP	96-12-077	356-05-171	REP-P	96-08-082	356-42-020	AMD-C	96-09-054
317-30-070	REP-P	96-03-071	356-05-171	REP-C	96-09-088	356-42-020	AMD-C	96-11-057
317-30-070	REP	96-12-077	356-05-171	REP	96-13-076	356-42-020	AMD	96-13-074
317-30-080	REP-P	96-03-071	356-05-415	AMD-W	96-02-069	356-42-045	AMD-P	96-10-066
317-30-080	REP	96-12-077	356-06-080	AMD-P	96-08-087	356-42-045	AMD-W	96-13-073
317-30-090	REP-P	96-03-071	356-06-080	AMD	96-11-062	356-42-055	AMD-P	96-04-052A
317-30-090	REP	96-12-077	356-10-020	AMD-P	96-08-087	356-42-055	AMD	96-07-093
317-30-100	REP-P	96-03-071	356-10-020	AMD	96-11-062	356-46-080	AMD	96-02-073
317-30-100	REP	96-12-077	356-14-240	AMD	96-02-073	356-56-115	AMD-P	96-08-089
317-30-110	REP-P	96-03-071	356-14-260	AMD-P	96-08-082	356-56-115	AMD	96-12-004
317-30-110	REP	96-12-077	356-14-260	AMD-C	96-09-088	365-185-010	NEW-E	96-03-045
317-30-120	REP-P	96-03-071	356-14-260	AMD	96-13-076	365-185-010	NEW	96-04-046
317-30-120	REP	96-12-077	356-15-030	AMD-P	96-08-082	365-185-020	NEW-E	96-03-045
317-30-130	REP-P	96-03-071	356-15-030	AMD-C	96-09-088	365-185-020	NEW	96-04-046
317-30-130	REP	96-12-077	356-15-030	AMD	96-13-076	365-185-030	NEW-E	96-03-045
317-30-140	REP-P	96-03-071	356-15-050	AMD	96-02-073	365-185-030	NEW	96-04-046
317-30-140	REP	96-12-077	356-15-060	AMD-P	96-02-070	365-185-040	NEW-E	96-03-045
317-30-150	REP-P	96-03-071	356-15-060	AMD-C	96-07-092	365-185-040	NEW	96-04-046
317-30-150	REP	96-12-077	356-15-060	AMD-W	96-09-053	365-185-050	NEW-E	96-03-045
317-30-900	REP-P	96-03-071	356-15-060	AMD-P	96-10-064	365-185-050	NEW	96-04-046
317-30-900	REP	96-12-077	356-15-060	AMD	96-13-075	365-185-060	NEW-E	96-03-045
317-31	NEW-C	96-09-008	356-15-070	AMD	96-02-073	365-185-060	NEW	96-04-046
317-31-010	NEW-P	96-03-071	356-15-090	AMD	96-02-073	371-08-001	REP-P	96-10-063
317-31-010	NEW	96-12-077	356-15-110	AMD	96-02-073	371-08-001	REP	96-15-003
317-31-020	NEW-P	96-03-071	356-18-025	AMD-E	96-15-046	371-08-002	REP-P	96-10-063
317-31-020	NEW	96-12-077	356-18-050	AMD-E	96-15-046	371-08-002	REP	96-15-003
317-31-030	NEW-P	96-03-071	356-18-060	AMD-P	96-08-082	371-08-005	REP-P	96-10-063
317-31-030	NEW	96-12-077	356-18-060	AMD-C	96-09-088	371-08-005	REP	96-15-003
317-31-100	NEW-P	96-03-071	356-18-060	AMD	96-13-076	371-08-010	REP-P	96-10-063
317-31-100	NEW	96-12-077	356-18-080	AMD-P	96-08-082	371-08-010	REP	96-15-003
317-31-110	NEW-P	96-03-071	356-18-080	AMD-C	96-09-088	371-08-020	REP-P	96-10-063
317-31-110	NEW	96-12-077	356-18-080	AMD	96-13-076	371-08-020	REP	96-15-003
317-31-120	NEW-P	96-03-071	356-18-110	AMD-P	96-08-082	371-08-030	REP-P	96-10-063
317-31-120	NEW	96-12-077	356-18-110	AMD-C	96-09-088	371-08-030	REP	96-15-003
317-31-130	NEW-P	96-03-071	356-18-110	AMD	96-13-076	371-08-032	REP-P	96-10-063
317-31-130	NEW	96-12-077	356-18-112	AMD-W	96-02-069	371-08-032	REP	96-15-003
317-31-140	NEW-P	96-03-071	356-18-112	AMD-P	96-08-083	371-08-033	REP-P	96-10-063
317-31-140	NEW	96-12-077	356-18-112	AMD	96-11-058	371-08-033	REP	96-15-003
317-31-200	NEW-P	96-03-071	356-18-112	AMD-E	96-15-046	371-08-035	REP-P	96-10-063
317-31-200	NEW	96-12-077	356-18-116	AMD	96-02-073	371-08-035	REP	96-15-003
317-31-210	NEW-P	96-03-071	356-18-140	AMD-P	96-08-082	371-08-040	REP-P	96-10-063
317-31-210	NEW	96-12-077	356-18-140	AMD-C	96-09-088	371-08-040	REP	96-15-003
317-31-220	NEW-P	96-03-071	356-18-140	AMD	96-13-076	371-08-050	REP-P	96-10-063
317-31-220	NEW	96-12-077	356-18-145	AMD-P	96-08-082	371-08-050	REP	96-15-003
317-31-230	NEW-P	96-03-071	356-18-145	AMD-C	96-09-088	371-08-055	REP-P	96-10-063
317-31-230	NEW	96-12-077	356-18-145	AMD	96-13-076	371-08-055	REP	96-15-003
317-31-240	NEW-P	96-03-071	356-18-150	AMD-P	96-08-082	371-08-061	REP-P	96-10-063
317-31-240	NEW	96-12-077	356-18-150	AMD-C	96-09-088	371-08-061	REP	96-15-003
317-31-250	NEW-P	96-03-071	356-18-150	AMD	96-13-076	371-08-065	REP-P	96-10-063
317-31-250	NEW	96-12-077	356-22-220	AMD-P	96-08-085	371-08-065	REP	96-15-003
317-31-300	NEW-P	96-03-071	356-22-220	AMD	96-11-060	371-08-065	REP-P	96-10-063
317-31-300	NEW	96-12-077	356-30-025	REP-W	96-02-069	371-08-071	REP	96-15-003
317-31-310	NEW-P	96-03-071	356-30-050	AMD	96-02-073	371-08-075	REP-P	96-10-063
317-31-310	NEW	96-12-077	356-30-065	AMD-W	96-02-069	371-08-075	REP	96-15-003
317-31-900	NEW-P	96-03-071	356-30-067	AMD-W	96-02-069	371-08-080	REP-P	96-10-063
317-31-900	NEW	96-12-077	356-30-230	AMD	96-02-073	371-08-080	REP	96-15-003
317-50-999	NEW-E	96-08-002	356-30-315	AMD	96-02-073	371-08-085	REP-P	96-10-063
326-02-030	AMD-E	96-13-010	356-30-330	AMD	96-02-073	371-08-085	REP	96-15-003
326-30-041	PREP	96-07-089	356-37-020	AMD-P	96-04-052A	371-08-100	REP-P	96-10-063

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371-08-100	REP	96-15-003	371-08-305	NEW-P	96-10-063	371-08-485	NEW	96-15-003
371-08-104	REP-P	96-10-063	371-08-305	NEW	96-15-003	371-08-490	NEW-P	96-10-063
371-08-104	REP	96-15-003	371-08-310	NEW-P	96-10-063	371-08-490	NEW	96-15-003
371-08-106	REP-P	96-10-063	371-08-310	NEW-S	96-13-065	371-08-500	NEW-P	96-10-063
371-08-106	REP	96-15-003	371-08-315	NEW-P	96-10-063	371-08-500	NEW	96-15-003
371-08-125	REP-P	96-10-063	371-08-315	NEW	96-15-003	371-08-505	NEW-P	96-10-063
371-08-125	REP	96-15-003	371-08-320	NEW-P	96-10-063	371-08-505	NEW-S	96-13-065
371-08-130	REP-P	96-10-063	371-08-320	NEW	96-15-003	371-08-510	NEW-P	96-10-063
371-08-130	REP	96-15-003	371-08-325	NEW-P	96-10-063	371-08-510	NEW	96-15-003
371-08-140	REP-P	96-10-063	371-08-325	NEW	96-15-003	371-08-515	NEW-P	96-10-063
371-08-140	REP	96-15-003	371-08-330	NEW-P	96-10-063	371-08-515	NEW	96-15-003
371-08-144	REP-P	96-10-063	371-08-330	NEW	96-15-003	371-08-520	NEW-P	96-10-063
371-08-144	REP	96-15-003	371-08-335	NEW-P	96-10-063	371-08-520	NEW	96-15-003
371-08-146	REP-P	96-10-063	371-08-335	NEW-S	96-13-065	371-08-525	NEW-P	96-10-063
371-08-146	REP	96-15-003	371-08-340	NEW-P	96-10-063	371-08-525	NEW	96-15-003
371-08-147	REP-P	96-10-063	371-08-340	NEW	96-15-003	371-08-530	NEW-P	96-10-063
371-08-147	REP	96-15-003	371-08-345	NEW-P	96-10-063	371-08-530	NEW	96-15-003
371-08-148	REP-P	96-10-063	371-08-345	NEW-S	96-13-065	371-08-535	NEW-P	96-10-063
371-08-148	REP	96-15-003	371-08-350	NEW-P	96-10-063	371-08-535	NEW	96-15-003
371-08-150	REP-P	96-10-063	371-08-350	NEW	96-15-003	371-08-540	NEW-P	96-10-063
371-08-150	REP	96-15-003	371-08-355	NEW-P	96-10-063	371-08-540	NEW	96-15-003
371-08-155	REP-P	96-10-063	371-08-355	NEW	96-15-003	371-08-545	NEW-P	96-10-063
371-08-155	REP	96-15-003	371-08-360	NEW-P	96-10-063	371-08-545	NEW	96-15-003
371-08-156	REP-P	96-10-063	371-08-360	NEW	96-15-003	371-08-550	NEW-P	96-10-063
371-08-156	REP	96-15-003	371-08-365	NEW-P	96-10-063	371-08-550	NEW	96-15-003
371-08-162	REP-P	96-10-063	371-08-365	NEW	96-15-003	371-08-555	NEW-P	96-10-063
371-08-162	REP	96-15-003	371-08-370	NEW-P	96-10-063	371-08-555	NEW	96-15-003
371-08-165	REP-P	96-10-063	371-08-370	NEW	96-15-003	371-08-560	NEW-P	96-10-063
371-08-165	REP	96-15-003	371-08-375	NEW-P	96-10-063	371-08-560	NEW	96-15-003
371-08-167	REP-P	96-10-063	371-08-375	NEW	96-15-003	371-08-565	NEW-P	96-10-063
371-08-167	REP	96-15-003	371-08-380	NEW-P	96-10-063	371-08-565	NEW	96-15-003
371-08-180	REP-P	96-10-063	371-08-380	NEW	96-15-003	371-08-570	NEW-P	96-10-063
371-08-180	REP	96-15-003	371-08-385	NEW-P	96-10-063	371-08-570	NEW	96-15-003
371-08-183	REP-P	96-10-063	371-08-385	NEW	96-15-003	374-60-030	AMD	96-04-005
371-08-183	REP	96-15-003	371-08-390	NEW-P	96-10-063	374-60-120	AMD	96-04-005
371-08-184	REP-P	96-10-063	371-08-390	NEW	96-15-003	388-08-425	AMD-P	96-14-102
371-08-184	REP	96-15-003	371-08-395	NEW-P	96-10-063	388-08-449	AMD-P	96-14-102
371-08-185	REP-P	96-10-063	371-08-395	NEW	96-15-003	388-08-595	NEW-P	96-14-102
371-08-185	REP	96-15-003	371-08-400	NEW-P	96-10-063	388-08-605	NEW-P	96-14-102
371-08-186	REP-P	96-10-063	371-08-400	NEW	96-15-003	388-11-010	REP-P	96-06-039
371-08-186	REP	96-15-003	371-08-405	NEW-P	96-10-063	388-11-010	REP	96-09-036
371-08-187	REP-P	96-10-063	371-08-405	NEW	96-15-003	388-11-011	AMD-P	96-06-039
371-08-187	REP	96-15-003	371-08-410	NEW-P	96-10-063	388-11-011	AMD	96-09-036
371-08-188	REP-P	96-10-063	371-08-410	NEW	96-15-003	388-11-015	AMD-P	96-06-039
371-08-188	REP	96-15-003	371-08-415	NEW-P	96-10-063	388-11-015	AMD	96-09-036
371-08-189	REP-P	96-10-063	371-08-415	NEW	96-15-003	388-11-030	REP-P	96-06-039
371-08-189	REP	96-15-003	371-08-420	NEW-P	96-10-063	388-11-030	REP	96-09-036
371-08-195	REP-P	96-10-063	371-08-420	NEW	96-15-003	388-11-032	REP-P	96-06-039
371-08-195	REP	96-15-003	371-08-425	NEW-P	96-10-063	388-11-032	REP	96-09-036
371-08-196	REP-P	96-10-063	371-08-425	NEW	96-15-003	388-11-035	REP-P	96-06-039
371-08-196	REP	96-15-003	371-08-430	NEW-P	96-10-063	388-11-035	REP	96-09-036
371-08-197	REP-P	96-10-063	371-08-430	NEW	96-15-003	388-11-040	REP-P	96-06-039
371-08-197	REP	96-15-003	371-08-435	NEW-P	96-10-063	388-11-040	REP	96-09-036
371-08-200	REP-P	96-10-063	371-08-435	NEW	96-15-003	388-11-045	AMD-P	96-06-039
371-08-200	REP	96-15-003	371-08-440	NEW-P	96-10-063	388-11-045	AMD	96-09-036
371-08-215	REP-P	96-10-063	371-08-440	NEW	96-15-003	388-11-048	AMD-P	96-06-039
371-08-215	REP	96-15-003	371-08-445	NEW-P	96-10-063	388-11-048	AMD	96-09-036
371-08-220	REP-P	96-10-063	371-08-445	NEW	96-15-003	388-11-055	REP-P	96-06-039
371-08-220	REP	96-15-003	371-08-450	NEW-P	96-10-063	388-11-055	REP	96-09-036
371-08-230	REP-P	96-10-063	371-08-450	NEW	96-15-003	388-11-060	REP-P	96-06-039
371-08-230	REP	96-15-003	371-08-455	NEW-P	96-10-063	388-11-060	REP	96-09-036
371-08-235	REP-P	96-10-063	371-08-455	NEW	96-15-003	388-11-065	AMD-P	96-06-039
371-08-235	REP	96-15-003	371-08-460	NEW-P	96-10-063	388-11-065	AMD	96-09-036
371-08-240	REP-P	96-10-063	371-08-460	NEW	96-15-003	388-11-120	AMD-P	96-06-039
371-08-240	REP	96-15-003	371-08-465	NEW-P	96-10-063	388-11-120	AMD	96-09-036
371-08-250	REP-P	96-10-063	371-08-465	NEW	96-15-003	388-11-140	AMD-P	96-06-039
371-08-250	REP	96-15-003	371-08-470	NEW-P	96-10-063	388-11-140	AMD	96-09-036
371-08-255	REP-P	96-10-063	371-08-470	NEW	96-15-003	388-11-150	AMD-P	96-06-039
371-08-255	REP	96-15-003	371-08-475	NEW-P	96-10-063	388-11-150	AMD	96-09-036
371-08-260	REP-P	96-10-063	371-08-475	NEW	96-15-003	388-11-210	AMD-P	96-06-039
371-08-260	REP	96-15-003	371-08-480	NEW-P	96-10-063	388-11-210	AMD	96-09-036
371-08-300	NEW-P	96-10-063	371-08-480	NEW	96-15-003	388-11-215	AMD-P	96-06-039
371-08-300	NEW	96-15-003	371-08-485	NEW-P	96-10-063	388-11-215	AMD	96-09-036

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388-11-220	AMD	96-09-036	388-15-950	REP-P	96-04-084	388-73-036	AMD-E	96-10-054
388-11-280	NEW-P	96-06-039	388-15-950	REP	96-11-045	388-73-048	AMD-P	96-06-051
388-11-280	NEW	96-09-036	388-15-955	REP-P	96-04-084	388-73-048	AMD-E	96-07-079
388-11-285	NEW-P	96-06-039	388-15-955	REP	96-11-045	388-73-048	AMD	96-10-032
388-11-285	NEW	96-09-036	388-49-020	AMD-P	96-03-013	388-73-054	AMD-P	96-06-051
388-11-290	NEW-P	96-06-039	388-49-020	AMD	96-06-031	388-73-054	AMD-E	96-07-079
388-11-290	NEW	96-09-036	388-49-160	PREP	96-07-094	388-73-054	AMD	96-10-032
388-11-295	NEW-P	96-06-039	388-49-160	AMD-E	96-10-059	388-73-606	AMD-P	96-06-051
388-11-295	NEW	96-09-036	388-49-160	AMD-P	96-11-146	388-73-606	AMD-E	96-07-079
388-11-300	NEW-P	96-06-039	388-49-160	AMD	96-14-074	388-73-606	AMD	96-10-032
388-11-300	NEW	96-09-036	388-49-330	AMD-P	96-04-036	388-73-800	AMD-P	96-06-051
388-11-305	NEW-P	96-06-039	388-49-330	AMD	96-07-053	388-73-800	AMD-E	96-07-079
388-11-305	NEW	96-09-036	388-49-410	AMD-P	96-04-008	388-73-800	AMD	96-10-032
388-11-310	NEW-P	96-06-039	388-49-410	AMD	96-07-022	388-73-803	NEW-P	96-06-051
388-11-310	NEW	96-09-036	388-49-460	PREP	96-15-090	388-73-803	NEW-E	96-07-079
388-11-315	NEW-P	96-06-039	388-49-480	PREP	96-09-034	388-73-803	NEW	96-10-032
388-11-315	NEW	96-09-036	388-49-500	AMD-P	96-03-097	388-73-805	NEW-P	96-06-051
388-11-400	NEW-P	96-06-039	388-49-500	AMD	96-06-046	388-73-805	NEW-E	96-07-079
388-11-400	NEW	96-09-036	388-49-505	PREP	96-14-054	388-73-805	NEW	96-10-032
388-11-405	NEW-P	96-06-039	388-49-515	AMD-P	96-15-038	388-73-815	AMD-P	96-06-051
388-11-405	NEW	96-09-036	388-49-520	AMD-P	96-11-082	388-73-815	AMD-E	96-07-079
388-11-410	NEW-P	96-06-039	388-49-530	REP-P	96-11-081	388-73-815	AMD	96-10-032
388-11-410	NEW	96-09-036	388-49-535	AMD-P	96-11-080	388-73-821	NEW-P	96-06-051
388-11-415	NEW-P	96-06-039	388-49-670	AMD-P	96-03-095	388-73-821	NEW-E	96-07-079
388-11-415	NEW	96-09-036	388-49-670	AMD	96-06-042	388-73-821	NEW	96-10-032
388-11-420	NEW-P	96-06-039	388-55-006	NEW	96-05-009	388-73-822	NEW-P	96-06-051
388-11-420	NEW	96-09-036	388-55-008	NEW	96-05-009	388-73-822	NEW-E	96-07-079
388-11-425	NEW-P	96-06-039	388-55-010	AMD	96-05-009	388-73-822	NEW	96-10-032
388-11-425	NEW	96-09-036	388-55-020	AMD	96-05-009	388-73-823	NEW-P	96-06-051
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388-11-430	NEW	96-09-036	388-55-027	NEW	96-05-009	388-73-823	NEW	96-10-032
388-15	PREP	96-06-009	388-55-030	AMD	96-05-009	388-73-825	NEW-P	96-06-051
388-15	PREP	96-12-015	388-55-040	AMD	96-05-009	388-73-825	NEW-E	96-07-079
388-15-030	AMD-P	96-13-107	388-55-050	NEW	96-05-009	388-73-825	NEW	96-10-032
388-15-134	PREP	96-09-076	388-55-060	NEW	96-05-009	388-76	AMD-C	96-11-106
388-15-145	AMD-P	96-06-014	388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-018
388-15-145	AMD	96-09-035	388-60-120	AMD-P	96-14-101	388-76	AMD-C	96-13-058
388-15-196	AMD-P	96-13-107	388-60-130	AMD-P	96-14-101	388-76-010	REP-P	96-06-040
388-15-198	NEW-P	96-13-107	388-60-140	AMD-P	96-14-101	388-76-010	REP	96-14-003
388-15-202	AMD-P	96-13-107	388-60-150	AMD-P	96-14-101	388-76-020	REP-P	96-06-040
388-15-203	AMD-P	96-13-107	388-60-160	AMD-P	96-14-101	388-76-020	REP	96-14-003
388-15-204	AMD-P	96-13-107	388-60-190	NEW-P	96-14-101	388-76-030	REP-P	96-06-040
388-15-206	AMD-P	96-13-107	388-60-200	NEW-P	96-14-101	388-76-030	REP	96-14-003
388-15-209	AMD-P	96-13-107	388-60-210	NEW-P	96-14-101	388-76-040	REP-P	96-06-040
388-15-219	AMD-P	96-13-107	388-60-220	NEW-P	96-14-101	388-76-040	REP	96-14-003
388-15-610	AMD-P	96-13-107	388-60-230	NEW-P	96-14-101	388-76-045	REP-P	96-06-040
388-15-620	AMD-P	96-13-107	388-60-240	NEW-P	96-14-101	388-76-045	REP	96-14-003
388-15-690	AMD-P	96-13-107	388-60-250	NEW-P	96-14-101	388-76-050	REP-P	96-06-040
388-15-695	AMD-P	96-13-107	388-70	PREP	96-12-015	388-76-050	REP	96-14-003
388-15-700	AMD-P	96-13-107	388-70	PREP	96-15-107	388-76-060	REP-P	96-06-040
388-15-705	AMD-P	96-13-107	388-73	PREP	96-12-010	388-76-060	REP	96-14-003
388-15-710	AMD-P	96-13-107	388-73	PREP	96-12-015	388-76-070	REP-P	96-06-040
388-15-715	AMD-P	96-13-107	388-73-012	AMD-P	96-06-051	388-76-070	REP	96-14-003
388-15-880	AMD-P	96-13-107	388-73-012	AMD-E	96-07-079	388-76-080	REP-P	96-06-040
388-15-890	AMD-P	96-13-107	388-73-012	AMD	96-10-032	388-76-080	REP	96-14-003
388-15-900	REP-P	96-04-084	388-73-014	AMD-P	96-06-051	388-76-085	REP-P	96-06-040
388-15-900	REP	96-11-045	388-73-014	AMD-E	96-07-079	388-76-085	REP	96-14-003
388-15-905	REP-P	96-04-084	388-73-014	AMD	96-10-032	388-76-087	REP-P	96-06-040
388-15-905	REP	96-11-045	388-73-01950	AMD-P	96-06-051	388-76-087	REP	96-14-003
388-15-910	REP-P	96-04-084	388-73-01950	AMD-E	96-07-079	388-76-090	REP-P	96-06-040
388-15-910	REP	96-11-045	388-73-01950	AMD	96-10-032	388-76-090	REP	96-14-003
388-15-915	REP-P	96-04-084	388-73-020	AMD-P	96-06-051	388-76-095	REP-P	96-06-040
388-15-915	REP	96-11-045	388-73-020	AMD-E	96-07-079	388-76-095	REP	96-14-003
388-15-920	REP-P	96-04-084	388-73-020	AMD	96-10-032	388-76-100	REP-P	96-06-040
388-15-920	REP	96-11-045	388-73-030	AMD-C	96-03-105	388-76-100	REP	96-14-003
388-15-925	REP-P	96-04-084	388-73-030	AMD-S	96-05-061	388-76-110	REP-P	96-06-040
388-15-925	REP	96-11-045	388-73-030	RESCIND	96-05-067	388-76-110	REP	96-14-003
388-15-935	REP-P	96-04-084	388-73-030	AMD-E	96-05-068	388-76-130	REP-P	96-06-040
388-15-935	REP	96-11-045	388-73-030	AMD	96-10-043	388-76-130	REP	96-14-003
388-15-940	REP-P	96-04-084	388-73-030	AMD-E	96-10-054	388-76-140	REP-P	96-06-040
388-15-940	REP	96-11-045	388-73-036	AMD-S	96-05-061	388-76-140	REP	96-14-003
388-15-945	REP-P	96-04-084	388-73-036	AMD-E	96-05-068	388-76-155	REP-P	96-06-040

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388-76-155	REP	96-14-003	388-76-480	REP-P	96-06-040	388-76-690	NEW	96-14-003
388-76-160	REP-P	96-06-040	388-76-480	REP	96-14-003	388-76-695	NEW-P	96-06-040
388-76-160	REP	96-14-003	388-76-490	REP-P	96-06-040	388-76-695	NEW	96-14-003
388-76-170	REP-P	96-06-040	388-76-490	REP	96-14-003	388-76-700	NEW-P	96-06-040
388-76-170	REP	96-14-003	388-76-500	REP-P	96-06-040	388-76-700	NEW	96-14-003
388-76-180	REP-P	96-06-040	388-76-500	REP	96-14-003	388-76-705	NEW-P	96-06-040
388-76-180	REP	96-14-003	388-76-520	REP-P	96-06-040	388-76-705	NEW	96-14-003
388-76-185	REP-P	96-06-040	388-76-520	REP	96-14-003	388-76-710	NEW-P	96-06-040
388-76-185	REP	96-14-003	388-76-530	REP-P	96-06-040	388-76-710	NEW	96-14-003
388-76-190	REP-P	96-06-040	388-76-530	REP	96-14-003	388-76-715	NEW-P	96-06-040
388-76-190	REP	96-14-003	388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003
388-76-200	REP-P	96-06-040	388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040
388-76-200	REP	96-14-003	388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003
388-76-220	REP-P	96-06-040	388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040
388-76-220	REP	96-14-003	388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003
388-76-240	REP-P	96-06-040	388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040
388-76-240	REP	96-14-003	388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003
388-76-250	REP-P	96-06-040	388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040
388-76-250	REP	96-14-003	388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003
388-76-260	REP-P	96-06-040	388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040
388-76-260	REP	96-14-003	388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003
388-76-280	REP-P	96-06-040	388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040
388-76-280	REP	96-14-003	388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003
388-76-290	REP-P	96-06-040	388-76-565	NEW	96-14-003	388-76-750	NEW-P	96-06-040
388-76-290	REP	96-14-003	388-76-570	NEW-P	96-06-040	388-76-750	NEW	96-14-003
388-76-300	REP-P	96-06-040	388-76-570	NEW	96-14-003	388-76-755	NEW-P	96-06-040
388-76-300	REP	96-14-003	388-76-575	NEW-P	96-06-040	388-76-755	NEW	96-14-003
388-76-310	REP-P	96-06-040	388-76-575	NEW	96-14-003	388-76-760	NEW-P	96-06-040
388-76-310	REP	96-14-003	388-76-580	NEW-P	96-06-040	388-76-760	NEW	96-14-003
388-76-320	REP-P	96-06-040	388-76-580	NEW	96-14-003	388-76-765	NEW-P	96-06-040
388-76-320	REP	96-14-003	388-76-585	NEW-P	96-06-040	388-76-765	NEW	96-14-003
388-76-325	REP-P	96-06-040	388-76-585	NEW	96-14-003	388-76-770	NEW-P	96-06-040
388-76-325	REP	96-14-003	388-76-590	NEW-P	96-06-040	388-76-770	NEW	96-14-003
388-76-330	REP-P	96-06-040	388-76-590	NEW	96-14-003	388-76-775	NEW-P	96-06-040
388-76-330	REP	96-14-003	388-76-595	NEW-P	96-06-040	388-76-775	NEW	96-14-003
388-76-340	REP-P	96-06-040	388-76-595	NEW	96-14-003	388-76-780	NEW-P	96-06-040
388-76-340	REP	96-14-003	388-76-600	NEW-P	96-06-040	388-76-780	NEW	96-14-003
388-76-350	REP-P	96-06-040	388-76-600	NEW	96-14-003	388-76-785	NEW-P	96-06-040
388-76-350	REP	96-14-003	388-76-605	NEW-P	96-06-040	388-76-785	NEW	96-14-003
388-76-360	REP-P	96-06-040	388-76-605	NEW	96-14-003	388-76-790	NEW-P	96-06-040
388-76-360	REP	96-14-003	388-76-610	NEW-P	96-06-040	388-76-790	NEW	96-14-003
388-76-370	REP-P	96-06-040	388-76-610	NEW	96-14-003	388-76-795	NEW-P	96-06-040
388-76-370	REP	96-14-003	388-76-615	NEW-P	96-06-040	388-76-795	NEW	96-14-003
388-76-380	REP-P	96-06-040	388-76-615	NEW	96-14-003	388-86	PREP	96-07-042
388-76-380	REP	96-14-003	388-76-620	NEW-P	96-06-040	388-86	PREP	96-07-043
388-76-390	REP-P	96-06-040	388-76-620	NEW	96-14-003	388-86	PREP	96-07-044
388-76-390	REP	96-14-003	388-76-625	NEW-P	96-06-040	388-86	PREP	96-07-045
388-76-400	REP-P	96-06-040	388-76-625	NEW	96-14-003	388-86	PREP	96-12-015
388-76-400	REP	96-14-003	388-76-630	NEW-P	96-06-040	388-87	PREP	96-07-042
388-76-405	REP-P	96-06-040	388-76-630	NEW	96-14-003	388-87	PREP	96-07-043
388-76-405	REP	96-14-003	388-76-635	NEW-P	96-06-040	388-87	PREP	96-07-044
388-76-410	REP-P	96-06-040	388-76-635	NEW	96-14-003	388-87	PREP	96-07-045
388-76-410	REP	96-14-003	388-76-640	NEW-P	96-06-040	388-87-020	PREP	96-08-091
388-76-420	REP-P	96-06-040	388-76-640	NEW	96-14-003	388-96	PREP	96-07-024
388-76-420	REP	96-14-003	388-76-645	NEW-P	96-06-040	388-96-221	AMD-P	96-11-010
388-76-430	REP-P	96-06-040	388-76-645	NEW	96-14-003	388-96-221	AMD	96-15-056
388-76-430	REP	96-14-003	388-76-650	NEW-P	96-06-040	388-96-534	AMD-P	96-11-010
388-76-435	REP-P	96-06-040	388-76-650	NEW	96-14-003	388-96-534	AMD	96-15-056
388-76-435	REP	96-14-003	388-76-655	NEW-P	96-06-040	388-96-585	AMD-P	96-11-010
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-96-585	AMD	96-15-056
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-96-708	NEW-P	96-11-010
388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003	388-96-708	NEW	96-15-056
388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040	388-96-735	AMD-P	96-11-010
388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003	388-96-735	AMD	96-15-056
388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040	388-96-745	AMD-P	96-11-010
388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003	388-96-745	AMD	96-15-056
388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040	388-96-762	AMD-P	96-11-010
388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003	388-96-762	AMD	96-15-056
388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040	388-96-774	AMD-P	96-11-010
388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003	388-96-774	AMD	96-15-056
388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040	388-96-776	AMD-P	96-11-010
388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003	388-96-776	AMD	96-15-056
388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040	388-96-810	AMD-P	96-11-010

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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388-96-904	AMD-P	96-11-010	388-150-096	NEW-P	96-14-027	388-160-120	AMD-E	96-05-068
388-96-904	AMD	96-15-056	388-150-097	NEW-P	96-14-027	388-160-120	AMD	96-10-043
388-97	PREP	96-14-100	388-150-098	NEW-P	96-14-027	388-160-120	AMD-E	96-10-054
388-110	NEW-C	96-09-032	388-151	PREP	96-12-010	388-160-430	PREP	96-05-057
388-110	NEW-C	96-10-010	388-151-085	NEW-P	96-14-027	388-160-430	AMD-P	96-14-099
388-110	NEW-C	96-10-077	388-151-090	AMD-C	96-03-105	388-160-460	PREP	96-05-057
388-110-005	NEW-P	96-04-084	388-151-090	AMD-S	96-05-061	388-160-460	AMD-P	96-14-099
388-110-005	NEW	96-11-045	388-151-090	RESCIND	96-05-067	388-160-480	PREP	96-05-057
388-110-010	NEW-P	96-04-084	388-151-090	AMD-E	96-05-068	388-160-480	AMD-P	96-14-099
388-110-010	NEW	96-11-045	388-151-090	AMD	96-10-043	388-160-490	PREP	96-05-057
388-110-020	NEW-P	96-04-084	388-151-090	AMD-E	96-10-054	388-160-490	AMD-P	96-14-099
388-110-020	NEW	96-11-045	388-151-090	AMD-P	96-14-027	388-160-500	PREP	96-05-057
388-110-030	NEW-P	96-04-084	388-151-092	NEW-P	96-14-027	388-160-500	AMD-P	96-14-099
388-110-030	NEW	96-11-045	388-151-093	NEW-P	96-14-027	388-160-530	AMD-P	96-14-099
388-110-040	NEW-P	96-04-084	388-151-094	NEW-P	96-14-027	388-160-550	NEW-P	96-14-099
388-110-040	NEW	96-11-045	388-151-095	NEW-P	96-14-027	388-200	PREP	96-07-041
388-110-050	NEW-P	96-04-084	388-151-096	NEW-P	96-14-027	388-200-1050	AMD-P	96-13-056
388-110-050	NEW	96-11-045	388-151-097	NEW-P	96-14-027	388-200-1100	AMD-P	96-13-056
388-110-060	NEW-P	96-04-084	388-151-098	NEW-P	96-14-027	388-200-1150	AMD-P	96-13-056
388-110-060	NEW	96-11-045	388-155	PREP	96-12-010	388-200-1160	AMD-P	96-13-056
388-110-070	NEW-P	96-04-084	388-155-020	AMD-P	96-14-027	388-200-1300	PREP	96-07-041
388-110-070	NEW	96-11-045	388-155-060	AMD-P	96-07-010	388-200-1300	NEW-P	96-13-056
388-110-080	NEW-P	96-04-084	388-155-060	AMD	96-10-042	388-200-1350	PREP	96-07-041
388-110-080	NEW	96-11-045	388-155-070	AMD-P	96-07-010	388-200-1350	NEW-P	96-13-056
388-110-090	NEW-P	96-04-084	388-155-070	AMD	96-10-042	388-201-200	AMD-P	96-04-034
388-110-090	NEW	96-11-045	388-155-085	NEW-P	96-14-027	388-201-200	AMD	96-07-021
388-110-100	NEW-P	96-04-084	388-155-085	NEW-P	96-14-027	388-201-300	AMD-P	96-04-034
388-110-100	NEW	96-11-045	388-155-090	AMD-C	96-03-105	388-201-300	AMD	96-07-021
388-110-110	NEW-P	96-04-084	388-155-090	AMD-S	96-05-061	388-201-300	AMD	96-07-021
388-110-110	NEW	96-11-045	388-155-090	RESCIND	96-05-067	388-201-400	AMD-P	96-04-034
388-110-120	NEW-P	96-04-084	388-155-090	AMD-E	96-05-068	388-201-400	AMD	96-07-021
388-110-120	NEW	96-11-045	388-155-090	AMD	96-10-043	388-201-400	AMD-P	96-04-034
388-110-140	NEW-P	96-04-084	388-155-090	AMD-E	96-10-054	388-201-410	AMD	96-07-021
388-110-140	NEW	96-11-045	388-155-090	AMD-P	96-14-027	388-201-410	AMD	96-07-021
388-110-150	NEW-P	96-04-084	388-155-092	NEW-P	96-14-027	388-201-420	AMD-P	96-04-034
388-110-150	NEW	96-11-045	388-155-092	NEW-P	96-14-027	388-201-420	AMD	96-07-021
388-110-170	NEW-P	96-04-084	388-155-093	NEW-P	96-14-027	388-201-430	AMD-P	96-04-034
388-110-170	NEW	96-11-045	388-155-094	NEW-P	96-14-027	388-201-430	AMD	96-07-021
388-110-180	NEW-P	96-04-084	388-155-095	NEW-P	96-14-027	388-201-440	AMD-P	96-04-034
388-110-180	NEW	96-11-045	388-155-095	NEW-P	96-14-027	388-201-440	AMD	96-07-021
388-110-190	NEW-P	96-04-084	388-155-096	NEW-P	96-14-027	388-201-450	AMD-P	96-04-034
388-110-190	NEW	96-11-045	388-155-097	NEW-P	96-14-027	388-201-450	AMD	96-07-021
388-110-200	NEW-P	96-04-084	388-155-098	NEW-P	96-14-027	388-201-450	AMD	96-07-021
388-110-200	NEW	96-11-045	388-155-098	NEW-P	96-14-027	388-201-460	AMD-P	96-04-034
388-110-210	NEW-P	96-04-084	388-155-600	NEW-P	96-07-010	388-201-460	AMD	96-07-021
388-110-210	NEW	96-11-045	388-155-600	NEW	96-10-042	388-201-470	AMD-P	96-04-034
388-110-220	NEW-P	96-04-084	388-155-605	NEW-P	96-07-010	388-201-470	AMD	96-07-021
388-110-220	NEW	96-11-045	388-155-605	NEW	96-10-042	388-201-470	AMD	96-07-021
388-110-230	NEW-P	96-04-084	388-155-610	NEW-P	96-07-010	388-201-480	AMD-P	96-04-034
388-110-230	NEW	96-11-045	388-155-610	NEW	96-10-042	388-201-480	AMD	96-07-021
388-110-240	NEW-P	96-04-084	388-155-620	NEW-P	96-07-010	388-201-480	AMD	96-07-021
388-110-240	NEW	96-11-045	388-155-620	NEW	96-10-042	388-215-1390	PREP	96-03-096
388-110-250	NEW-P	96-04-084	388-155-630	NEW-P	96-07-010	388-215-1390	AMD-E	96-04-001
388-110-250	NEW	96-11-045	388-155-630	NEW	96-10-042	388-215-1390	AMD-P	96-07-009
388-110-260	NEW-P	96-04-084	388-155-640	NEW-P	96-07-010	388-215-1390	AMD	96-10-045
388-110-260	NEW	96-11-045	388-155-640	NEW	96-10-042	388-215-1600	AMD-P	96-03-099
388-110-270	NEW-P	96-04-084	388-155-650	NEW-P	96-07-010	388-215-1600	AMD	96-06-045
388-110-270	NEW	96-11-045	388-155-650	NEW	96-10-042	388-215-1600	AMD	96-03-099
388-110-280	NEW-P	96-04-084	388-155-660	NEW-P	96-07-010	388-215-1610	AMD-P	96-06-045
388-110-280	NEW	96-11-045	388-155-660	NEW	96-10-042	388-215-1610	AMD	96-06-045
388-150	PREP	96-12-010	388-155-670	NEW-P	96-07-010	388-218-1510	AMD	96-03-040
388-150-085	NEW-P	96-14-027	388-155-670	NEW	96-10-042	388-219-3000	AMD-P	96-07-014
388-150-090	AMD-C	96-03-105	388-155-680	NEW-P	96-07-010	388-219-3000	AMD-E	96-09-075
388-150-090	AMD-S	96-05-061	388-155-680	NEW	96-10-042	388-219-3000	AMD	96-10-031
388-150-090	RESCIND	96-05-067	388-155-680	NEW-P	96-07-010	388-235-5050	PREP	96-08-041A
388-150-090	AMD-E	96-05-068	388-160	NEW	96-10-042	388-235-5050	AMD-P	96-13-066
388-150-090	AMD	96-10-043	388-160	PREP	96-12-010	388-235-5050	AMD-E	96-14-036
388-150-090	AMD-E	96-10-054	388-160-050	PREP	96-05-057	388-235-7500	AMD-P	96-13-056
388-150-090	AMD-E	96-10-054	388-160-050	PREP	96-05-057	388-245-1170	AMD-P	96-13-056
388-150-090	AMD-P	96-14-027	388-160-080	AMD-P	96-14-099	388-245-1300	AMD-P	96-13-056
388-150-092	NEW-P	96-14-027	388-160-080	PREP	96-05-057	388-245-1350	AMD-P	96-13-056
388-150-093	NEW-P	96-14-027	388-160-080	AMD-P	96-14-099	388-245-1700	AMD-P	96-13-056
388-150-094	NEW-P	96-14-027	388-160-090	AMD-C	96-03-105	388-245-1715	AMD-P	96-13-056
			388-160-090	AMD-S	96-05-061	388-245-1720	AMD-P	96-13-056
			388-160-090	RESCIND	96-05-067	388-245-2020	AMD-P	96-04-035
			388-160-090	AMD-E	96-05-068	388-245-2020	AMD	96-07-025
			388-160-090	AMD	96-10-043	388-250-1400	AMD	96-04-002
			388-160-090	AMD-E	96-10-054	388-250-1700	AMD-P	96-07-008



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388-250-1700	AMD	96-10-044	388-517-1720	AMD	96-15-029	390-17-050	REP-P	96-05-073
388-265-1250	AMD-P	96-13-056	388-517-1740	PREP	96-08-019	390-17-050	REP	96-09-016
388-270-1125	PREP	96-06-008	388-517-1740	AMD-E	96-08-021	390-17-052	REP-P	96-05-073
388-270-1125	AMD-P	96-11-127	388-517-1740	AMD-P	96-12-009	390-17-052	REP	96-09-016
388-290	PREP	96-11-047	388-517-1740	AMD	96-15-029	390-17-060	AMD	96-05-001
388-290-135	AMD-P	96-06-026	388-517-1760	PREP	96-08-019	390-17-065	AMD	96-05-001
388-290-135	AMD	96-09-058	388-517-1760	AMD-E	96-08-021	390-17-310	AMD	96-05-001
388-301	PREP	96-11-047	388-517-1760	AMD-P	96-12-009	390-17-315	AMD	96-05-001
388-320-140	AMD-P	96-15-028	388-517-1760	AMD	96-15-029	390-17-320	AMD	96-05-001
388-330	PREP	96-12-010	388-518-1805	AMD-E	96-10-033	390-20-052	AMD	96-05-001
388-330-010	AMD-C	96-03-105	388-518-1805	PREP	96-10-034	390-24-010	AMD-S	96-05-074
388-330-010	AMD-S	96-05-061	388-518-1805	AMD-P	96-14-035	390-24-010	AMD	96-09-017
388-330-010	RESCIND	96-05-067	388-518-1810	AMD-E	96-10-033	390-24-020	AMD-S	96-05-074
388-330-010	AMD-E	96-05-068	388-518-1810	PREP	96-10-034	390-24-020	AMD	96-09-017
388-330-010	AMD	96-10-043	388-518-1810	AMD-P	96-14-035	391-08-001	AMD-P	96-03-135
388-330-010	AMD-E	96-10-043	388-518-1820	AMD-P	96-04-037	391-08-001	AMD	96-07-105
388-330-035	NEW-C	96-03-105	388-518-1820	AMD	96-07-023	391-08-030	AMD-P	96-03-135
388-330-035	NEW-S	96-05-061	388-519-1905	PREP	96-07-004	391-08-030	AMD	96-07-105
388-330-035	RESCIND	96-05-067	388-519-1905	AMD-E	96-10-033	391-08-040	AMD-P	96-03-135
388-330-035	NEW-E	96-05-068	388-519-1905	PREP	96-10-034	391-08-040	AMD	96-07-105
388-330-035	NEW	96-10-043	388-519-1905	AMD-P	96-14-035	391-08-120	AMD-P	96-03-135
388-330-035	NEW-E	96-10-054	388-519-1910	PREP	96-04-056	391-08-120	AMD	96-07-105
388-500	PREP	96-12-015	388-519-1910	AMD-P	96-11-011	391-08-180	AMD-P	96-03-135
388-501-0130	AMD-P	96-03-066	388-519-1910	AMD	96-14-057	391-08-180	AMD	96-07-105
388-501-0130	AMD	96-06-041	388-519-1930	PREP	96-04-056	391-08-650	NEW-P	96-03-135
388-503-0310	PREP	96-04-025	388-519-1930	AMD-P	96-11-011	391-08-650	NEW	96-07-105
388-503-0310	AMD-P	96-09-077	388-519-1930	AMD	96-14-057	391-08-670	NEW-P	96-03-135
388-503-0310	AMD	96-12-001	388-521-2106	PREP	96-11-071	391-08-670	NEW	96-07-105
388-505-0520	AMD-P	96-10-012	388-521-2106	NEW-P	96-15-067	391-08-820	AMD-P	96-03-135
388-505-0520	AMD-E	96-10-053	388-522-2230	PREP	96-07-004	391-08-820	AMD	96-07-105
388-505-0520	AMD	96-13-002	388-522-2230	AMD-E	96-10-033	391-25-001	AMD-P	96-03-135
388-505-0540	PREP	96-08-091	388-522-2230	PREP	96-10-034	391-25-001	AMD	96-07-105
388-507-0710	AMD-P	96-06-010	388-522-2230	AMD-P	96-14-035	391-25-011	NEW-P	96-03-135
388-507-0710	AMD-E	96-08-036	388-528-2810	PREP	96-04-024	391-25-011	NEW	96-07-105
388-507-0710	AMD	96-09-033	388-530-1950	NEW-P	96-05-087	391-25-030	AMD-P	96-03-135
388-507-0740	AMD-P	96-04-037	388-530-1950	NEW	96-08-018	391-25-030	AMD	96-07-105
388-507-0740	AMD	96-07-023	388-531	PREP	96-07-045	391-25-050	AMD-P	96-03-135
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388-508-0805	AMD-E	96-08-021	388-535-1000	PREP	96-08-031	391-25-070	AMD-P	96-03-135
388-508-0805	AMD-P	96-12-009	388-535-1100	PREP	96-08-031	391-25-070	AMD	96-07-105
388-508-0805	AMD	96-15-029	388-538	PREP	96-10-011	391-25-090	AMD-P	96-03-135
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388-509-0920	AMD-P	96-12-009	388-538-080	PREP	96-08-032	391-25-110	AMD	96-07-105
388-509-0920	AMD	96-15-029	388-543	PREP	96-07-042	391-25-130	AMD-P	96-03-135
388-509-0960	AMD-E	96-08-021	388-546	PREP	96-07-043	391-25-130	AMD	96-07-105
388-509-0960	AMD-P	96-12-009	388-550	PREP	96-07-044	391-25-140	AMD-P	96-03-135
388-509-0960	AMD	96-15-029	390-05-190	AMD-P	96-05-072	391-25-140	AMD	96-07-105
388-511-1140	AMD	96-05-010	390-05-190	AMD	96-09-015	391-25-170	AMD-P	96-03-135
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388-513-1315	AMD	96-11-072	390-05-205	AMD	96-05-001	391-25-190	AMD-P	96-03-135
388-513-1320	AMD-P	96-08-037	390-05-210	AMD-P	96-05-072	391-25-190	AMD	96-07-105
388-513-1320	AMD	96-11-072	390-05-210	AMD	96-09-015	391-25-220	AMD-P	96-03-135
388-513-1350	AMD-P	96-06-010	390-05-245	NEW-P	96-05-072	391-25-220	AMD	96-07-105
388-513-1350	AMD-E	96-08-020	390-05-245	NEW	96-09-015	391-25-230	AMD-P	96-03-135
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388-513-1360	PREP	96-04-055	390-13-010	AMD	96-05-001	391-25-250	AMD-P	96-03-135
388-513-1360	AMD-P	96-09-079	390-16-034	AMD	96-05-001	391-25-250	AMD	96-07-105
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388-513-1365	PREP	96-05-034	390-16-038	AMD-P	96-05-073	391-25-350	AMD	96-07-105
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388-513-1380	AMD-E	96-08-020	390-16-041	AMD-E	96-13-084	391-25-370	AMD	96-07-105
388-513-1380	AMD	96-09-033	390-16-055	AMD	96-05-001	391-25-391	AMD-P	96-03-135
388-513-1380	PREP	96-11-105	390-16-105	AMD-W	96-15-009	391-25-391	AMD	96-07-105
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388-515-1505	AMD-P	96-11-012	390-16-313	NEW	96-09-016	391-25-470	AMD-P	96-03-135
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391-25-590	AMD	96-07-105	391-55-260	REP-P	96-03-135	392-109-072	AMD	96-08-001
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391-35-020	AMD	96-07-105	391-55-360	REP-P	96-03-135	392-109-100	AMD	96-08-001
391-35-030	AMD-P	96-03-135	391-55-360	REP	96-07-105	392-109-105	AMD-P	96-04-033
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391-35-050	AMD-P	96-03-135	391-55-400	REP	96-07-105	392-109-120	AMD-P	96-04-033
391-35-050	AMD	96-07-105	391-55-410	REP-P	96-03-135	392-109-120	AMD	96-08-001
391-35-080	AMD-P	96-03-135	391-55-410	REP	96-07-105	392-120	PREP	96-06-061
391-35-080	AMD	96-07-105	391-55-415	REP-P	96-03-135	392-121-435	NEW	96-03-001
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391-45-130	AMD-P	96-03-135	391-55-455	REP	96-07-105	392-122-166	NEW	96-03-002
391-45-130	AMD	96-07-105	391-65-030	AMD-P	96-03-135	392-122-400	PREP-X	96-14-018
391-45-170	AMD-P	96-03-135	391-65-030	AMD	96-07-105	392-122-401	PREP-X	96-14-018
391-45-170	AMD	96-07-105	391-65-050	AMD-P	96-03-135	392-122-405	PREP-X	96-14-018
391-45-190	AMD-P	96-03-135	391-65-050	AMD	96-07-105	392-122-410	PREP-X	96-14-018
391-45-190	AMD	96-07-105	391-65-110	AMD-P	96-03-135	392-122-415	PREP-X	96-14-018
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391-45-260	AMD	96-07-105	391-65-130	AMD-P	96-03-135	392-122-805	AMD	96-03-002
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391-45-290	AMD	96-07-105	391-95-090	AMD-P	96-03-135	392-123-078	AMD-P	96-05-031
391-45-330	AMD-P	96-03-135	391-95-090	AMD	96-07-105	392-123-078	AMD	96-09-001
391-45-330	AMD	96-07-105	391-95-110	AMD-P	96-03-135	392-123-079	AMD-P	96-05-031
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391-55-002	AMD	96-07-105	391-95-230	AMD-P	96-03-135	392-127-015	AMD-P	96-02-077
391-55-010	AMD-P	96-03-135	391-95-230	AMD	96-07-105	392-127-015	AMD	96-05-022
391-55-010	AMD	96-07-105	391-95-260	AMD-P	96-03-135	392-127-020	AMD-P	96-02-077
391-55-090	AMD-P	96-03-135	391-95-260	AMD	96-07-105	392-127-020	AMD	96-05-022
391-55-090	AMD	96-07-105	391-95-270	AMD-P	96-03-135	392-127-050	AMD-P	96-02-077
391-55-200	AMD-P	96-03-135	391-95-270	AMD	96-07-105	392-127-050	AMD	96-05-022
391-55-200	AMD	96-07-105	392-101-010	PREP	96-07-036	392-127-055	AMD-P	96-02-077
391-55-205	AMD-P	96-03-135	392-103-005	PREP-X	96-14-018	392-127-055	AMD	96-05-022
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391-55-230	AMD	96-07-105	392-109-047	AMD-P	96-04-033	392-139-129	AMD-P	96-15-091
391-55-235	AMD-P	96-03-135	392-109-047	AMD	96-08-001	392-139-150	AMD-P	96-15-091
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392-140-073	NEW-P 96-15-114	392-140-480	AMD 96-05-021	392-140-613	NEW-P 96-15-114
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392-140-450	AMD 96-05-021	392-140-527	PREP-X 96-14-018	392-163-130	PREP-X 96-14-019
392-140-450	PREP-X 96-14-018	392-140-529	PREP-X 96-14-018	392-163-135	PREP-X 96-14-019
392-140-451	PREP-X 96-14-018	392-140-530	PREP-X 96-14-018	392-163-140	PREP-X 96-14-019
392-140-452	PREP-X 96-14-018	392-140-531	PREP-X 96-14-018	392-163-142	PREP-X 96-14-019
392-140-460	PREP-X 96-14-018	392-140-533	PREP-X 96-14-018	392-163-145	PREP-X 96-14-019
392-140-461	AMD-P 96-02-078	392-140-535	PREP-X 96-14-018	392-163-150	PREP-X 96-14-019
392-140-461	AMD 96-05-021	392-140-536	PREP-X 96-14-018	392-163-155	PREP-X 96-14-019
392-140-461	PREP-X 96-14-018	392-140-537	PREP-X 96-14-018	392-163-160	PREP-X 96-14-019
392-140-462	AMD-P 96-02-078	392-140-538	PREP-X 96-14-018	392-163-165	PREP-X 96-14-019
392-140-462	AMD 96-05-021	392-140-540	PREP-X 96-14-018	392-163-170	PREP-X 96-14-019
392-140-462	PREP-X 96-14-018	392-140-542	PREP-X 96-14-018	392-163-175	PREP-X 96-14-019
392-140-463	PREP-X 96-14-018	392-140-543	PREP-X 96-14-018	392-163-180	PREP-X 96-14-019
392-140-464	PREP-X 96-14-018	392-140-544	PREP-X 96-14-018	392-163-185	PREP-X 96-14-019

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-163-186	PREP-X	96-14-019	392-163-520	PREP-X	96-14-019	392-167A-060	PREP-X	96-14-019
392-163-190	PREP-X	96-14-019	392-163-525	PREP-X	96-14-019	392-167A-065	PREP-X	96-14-019
392-163-195	PREP-X	96-14-019	392-163-530	PREP-X	96-14-019	392-167A-070	PREP-X	96-14-019
392-163-200	PREP-X	96-14-019	392-163-535	PREP-X	96-14-019	392-167A-075	PREP-X	96-14-019
392-163-205	PREP-X	96-14-019	392-163-540	PREP-X	96-14-019	392-167A-080	PREP-X	96-14-019
392-163-210	PREP-X	96-14-019	392-163-545	PREP-X	96-14-019	392-167A-085	PREP-X	96-14-019
392-163-215	PREP-X	96-14-019	392-163-550	PREP-X	96-14-019	392-167A-090	PREP-X	96-14-019
392-163-220	PREP-X	96-14-019	392-163-555	PREP-X	96-14-019	392-193-005	PREP-X	96-14-019
392-163-225	PREP-X	96-14-019	392-163-560	PREP-X	96-14-019	392-193-010	PREP-X	96-14-019
392-163-230	PREP-X	96-14-019	392-163-565	PREP-X	96-14-019	392-193-020	PREP-X	96-14-019
392-163-235	PREP-X	96-14-019	392-163-570	PREP-X	96-14-019	392-193-025	PREP-X	96-14-019
392-163-236	PREP-X	96-14-019	392-163-575	PREP-X	96-14-019	392-193-030	PREP-X	96-14-019
392-163-237	PREP-X	96-14-019	392-163-580	PREP-X	96-14-019	392-193-035	PREP-X	96-14-019
392-163-240	PREP-X	96-14-019	392-163-585	PREP-X	96-14-019	392-193-045	PREP-X	96-14-019
392-163-245	PREP-X	96-14-019	392-163-590	PREP-X	96-14-019	392-193-050	PREP-X	96-14-019
392-163-250	PREP-X	96-14-019	392-163-595	PREP-X	96-14-019	392-193-055	PREP-X	96-14-019
392-163-255	PREP-X	96-14-019	392-163-600	PREP-X	96-14-019	392-193-060	PREP-X	96-14-019
392-163-260	PREP-X	96-14-019	392-163-605	PREP-X	96-14-019	392-196	PREP	96-11-140
392-163-265	PREP-X	96-14-019	392-163-610	PREP-X	96-14-019	392-196-086	AMD-P	96-15-113
392-163-270	PREP-X	96-14-019	392-163-615	PREP-X	96-14-019	392-196-100	AMD-P	96-15-113
392-163-275	PREP-X	96-14-019	392-163-620	PREP-X	96-14-019	392-300-001	NEW-P	96-14-093
392-163-280	PREP-X	96-14-019	392-163-625	PREP-X	96-14-019	392-300-005	NEW-P	96-14-093
392-163-285	PREP-X	96-14-019	392-163-630	PREP-X	96-14-019	392-300-010	NEW-P	96-14-093
392-163-290	PREP-X	96-14-019	392-163-635	PREP-X	96-14-019	392-300-015	NEW-P	96-14-093
392-163-295	PREP-X	96-14-019	392-163-640	PREP-X	96-14-019	392-300-020	NEW-P	96-14-093
392-163-299	PREP-X	96-14-019	392-163-645	PREP-X	96-14-019	392-300-025	NEW-P	96-14-093
392-163-300	PREP-X	96-14-019	392-166-100	PREP-X	96-14-019	392-300-030	NEW-P	96-14-093
392-163-305	PREP-X	96-14-019	392-166-105	PREP-X	96-14-019	392-300-035	NEW-P	96-14-093
392-163-306	PREP-X	96-14-019	392-166-110	PREP-X	96-14-019	392-300-040	NEW-P	96-14-093
392-163-310	PREP-X	96-14-019	392-166-115	PREP-X	96-14-019	392-300-045	NEW-P	96-14-093
392-163-315	PREP-X	96-14-019	392-166-120	PREP-X	96-14-019	392-300-050	NEW-P	96-14-093
392-163-320	PREP-X	96-14-019	392-166-125	PREP-X	96-14-019	392-300-055	NEW-P	96-14-093
392-163-322	PREP-X	96-14-019	392-166-130	PREP-X	96-14-019	392-300-060	NEW-P	96-14-093
392-163-325	PREP-X	96-14-019	392-166-135	PREP-X	96-14-019	392-310-010	PREP-X	96-14-019
392-163-330	PREP-X	96-14-019	392-166-140	PREP-X	96-14-019	392-310-015	PREP-X	96-14-019
392-163-335	PREP-X	96-14-019	392-166-145	PREP-X	96-14-019	392-310-020	PREP-X	96-14-019
392-163-340	PREP-X	96-14-019	392-166-150	PREP-X	96-14-019	392-310-025	PREP-X	96-14-019
392-163-345	PREP-X	96-14-019	392-166-155	PREP-X	96-14-019	392-320	PREP	96-07-050
392-163-350	PREP-X	96-14-019	392-166-160	PREP-X	96-14-019	392-320-005	AMD-P	96-12-075
392-163-355	PREP-X	96-14-019	392-166-165	PREP-X	96-14-019	392-320-005	AMD	96-15-115
392-163-360	PREP-X	96-14-019	392-166-170	PREP-X	96-14-019	392-320-015	AMD-P	96-12-075
392-163-362	PREP-X	96-14-019	392-166-175	PREP-X	96-14-019	392-320-015	AMD	96-15-115
392-163-363	PREP-X	96-14-019	392-166-180	PREP-X	96-14-019	392-320-025	AMD-P	96-12-075
392-163-364	PREP-X	96-14-019	392-166-185	PREP-X	96-14-019	392-320-025	AMD	96-15-115
392-163-365	PREP-X	96-14-019	392-166-190	PREP-X	96-14-019	392-320-040	AMD-P	96-12-075
392-163-370	PREP-X	96-14-019	392-166-195	PREP-X	96-14-019	392-320-040	AMD	96-15-115
392-163-375	PREP-X	96-14-019	392-166-200	PREP-X	96-14-019	392-320-045	AMD-P	96-12-075
392-163-385	PREP-X	96-14-019	392-166-205	PREP-X	96-14-019	392-320-045	AMD	96-15-115
392-163-390	PREP-X	96-14-019	392-166-210	PREP-X	96-14-019	392-320-050	AMD-P	96-12-075
392-163-400	PREP-X	96-14-019	392-166-215	PREP-X	96-14-019	392-320-050	AMD	96-15-115
392-163-405	PREP-X	96-14-019	392-166-220	PREP-X	96-14-019	415	PREP	96-06-079
392-163-410	PREP-X	96-14-019	392-166-225	PREP-X	96-14-019	415-02-099	REP	96-03-100
392-163-415	PREP-X	96-14-019	392-166-230	PREP-X	96-14-019	415-04	AMD-P	96-13-100
392-163-420	PREP-X	96-14-019	392-166-235	PREP-X	96-14-019	415-04-010	AMD-P	96-13-100
392-163-425	PREP-X	96-14-019	392-166-240	PREP-X	96-14-019	415-04-020	AMD-P	96-13-100
392-163-430	PREP-X	96-14-019	392-166-245	PREP-X	96-14-019	415-04-030	NEW-P	96-13-100
392-163-435	PREP-X	96-14-019	392-166-250	PREP-X	96-14-019	415-04-040	NEW-P	96-13-100
392-163-440	PREP-X	96-14-019	392-166-255	PREP-X	96-14-019	415-04-050	NEW-P	96-13-100
392-163-445	PREP-X	96-14-019	392-166-260	PREP-X	96-14-019	415-08-010	AMD-P	96-07-080
392-163-450	PREP-X	96-14-019	392-166-265	PREP-X	96-14-019	415-08-010	AMD	96-11-036
392-163-455	PREP-X	96-14-019	392-166-270	PREP-X	96-14-019	415-08-020	AMD-P	96-07-080
392-163-460	PREP-X	96-14-019	392-166-275	PREP-X	96-14-019	415-08-020	AMD	96-11-036
392-163-465	PREP-X	96-14-019	392-167A-005	PREP-X	96-14-019	415-08-023	NEW-P	96-07-080
392-163-470	PREP-X	96-14-019	392-167A-010	PREP-X	96-14-019	415-08-023	NEW	96-11-036
392-163-475	PREP-X	96-14-019	392-167A-015	PREP-X	96-14-019	415-08-025	AMD-P	96-07-080
392-163-480	PREP-X	96-14-019	392-167A-020	PREP-X	96-14-019	415-08-025	AMD	96-11-036
392-163-485	PREP-X	96-14-019	392-167A-025	PREP-X	96-14-019	415-08-027	NEW-P	96-07-080
392-163-490	PREP-X	96-14-019	392-167A-030	PREP-X	96-14-019	415-08-027	NEW	96-11-036
392-163-495	PREP-X	96-14-019	392-167A-035	PREP-X	96-14-019	415-08-030	AMD-P	96-07-080
392-163-500	PREP-X	96-14-019	392-167A-040	PREP-X	96-14-019	415-08-030	AMD	96-11-036
392-163-505	PREP-X	96-14-019	392-167A-045	PREP-X	96-14-019	415-08-040	AMD-P	96-07-080
392-163-510	PREP-X	96-14-019	392-167A-050	PREP-X	96-14-019	415-08-040	AMD	96-11-036
392-163-515	PREP-X	96-14-019	392-167A-055	PREP-X	96-14-019	415-08-050	AMD-P	96-07-080

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
415-08-050	AMD	96-11-036	415-610-010	NEW-P	96-13-100	419-28-060	PREP-X	96-14-039
415-08-080	AMD-P	96-07-080	415-610-015	NEW-P	96-13-100	419-28-070	PREP-X	96-14-039
415-08-080	AMD	96-11-036	415-610-020	NEW-P	96-13-100	419-28-080	PREP-X	96-14-039
415-08-090	AMD-P	96-07-080	415-610-030	NEW-P	96-13-100	419-28-990	PREP-X	96-14-039
415-08-090	AMD	96-11-036	415-620-010	NEW-P	96-13-100	419-36-010	DECOD	96-06-011
415-08-100	AMD-P	96-07-080	415-620-015	NEW-P	96-13-100	419-36-020	DECOD	96-06-011
415-08-100	AMD	96-11-036	415-620-020	NEW-P	96-13-100	419-36-030	DECOD	96-06-011
415-08-105	AMD-P	96-07-080	415-620-025	NEW-P	96-13-100	419-36-040	DECOD	96-06-011
415-08-105	AMD	96-11-036	415-620-030	NEW-P	96-13-100	419-36-050	DECOD	96-06-011
415-08-280	AMD-P	96-07-080	415-620-035	NEW-P	96-13-100	419-36-060	DECOD	96-06-011
415-08-280	AMD	96-11-036	415-620-040	NEW-P	96-13-100	419-36-070	DECOD	96-06-011
415-08-420	AMD-P	96-07-080	415-620-045	NEW-P	96-13-100	419-36-080	DECOD	96-06-011
415-08-420	AMD	96-11-036	415-620-050	NEW-P	96-13-100	419-36-090	DECOD	96-06-011
415-104-0125	NEW	96-04-003	415-620-055	NEW-P	96-13-100	419-40-010	DECOD	96-06-011
415-104-108	AMD	96-03-100	415-630-010	NEW-P	96-13-100	419-40-020	DECOD	96-06-011
415-108-340	AMD	96-03-100	415-630-020	NEW-P	96-13-100	419-40-030	DECOD	96-06-011
415-112-040	AMD	96-03-100	415-630-030	NEW-P	96-13-100	419-40-040	DECOD	96-06-011
415-113-0306	AMD-P	96-15-080	415-640-010	NEW-P	96-13-100	419-40-050	DECOD	96-06-011
415-113-055	AMD-P	96-15-080	415-640-020	NEW-P	96-13-100	419-44-010	DECOD	96-06-011
415-113-059	AMD-P	96-15-080	415-640-030	NEW-P	96-13-100	419-64-010	DECOD	96-06-011
415-113-070	AMD-P	96-15-080	415-650-010	NEW-P	96-13-100	419-64-020	DECOD	96-06-011
415-113-090	AMD-P	96-15-080	415-650-020	NEW-P	96-13-100	419-64-030	DECOD	96-06-011
415-501-010	NEW-P	96-13-100	415-650-030	NEW-P	96-13-100	419-64-040	DECOD	96-06-011
415-501-020	NEW-P	96-13-100	415-650-040	NEW-P	96-13-100	419-64-050	DECOD	96-06-011
415-504-010	NEW-P	96-13-100	415-650-050	NEW-P	96-13-100	419-64-060	DECOD	96-06-011
415-504-020	NEW-P	96-13-100	415-660-010	NEW-P	96-13-100	419-64-070	DECOD	96-06-011
415-504-030	NEW-P	96-13-100	415-660-020	NEW-P	96-13-100	419-64-080	DECOD	96-06-011
415-504-040	NEW-P	96-13-100	415-670-010	NEW-P	96-13-100	419-64-090	DECOD	96-06-011
415-504-050	NEW-P	96-13-100	415-680-010	NEW-P	96-13-100	419-72-010	DECOD	96-06-011
415-504-060	NEW-P	96-13-100	415-680-020	NEW-P	96-13-100	419-72-012	DECOD	96-06-011
415-504-070	NEW-P	96-13-100	415-680-030	NEW-P	96-13-100	419-72-015	DECOD	96-06-011
415-504-080	NEW-P	96-13-100	415-680-040	NEW-P	96-13-100	419-72-015	PREP	96-09-005
415-504-090	NEW-P	96-13-100	415-680-050	NEW-P	96-13-100	419-72-020	DECOD	96-06-011
415-504-100	NEW-P	96-13-100	415-680-060	NEW-P	96-13-100	419-72-025	DECOD	96-06-011
415-504-110	NEW-P	96-13-100	415-680-070	NEW-P	96-13-100	419-72-041	DECOD	96-06-011
415-508-010	NEW-P	96-13-100	415-690-010	NEW-P	96-13-100	419-72-045	DECOD	96-06-011
415-508-020	NEW-P	96-13-100	415-695-010	NEW-P	96-13-100	419-72-050	DECOD	96-06-011
415-508-030	NEW-P	96-13-100	415-695-020	NEW-P	96-13-100	419-72-060	DECOD	96-06-011
415-508-040	NEW-P	96-13-100	415-695-030	NEW-P	96-13-100	419-72-065	DECOD	96-06-011
415-508-050	NEW-P	96-13-100	415-695-040	NEW-P	96-13-100	419-72-070	DECOD	96-06-011
415-512-010	NEW-P	96-13-100	419-04-010	PREP-X	96-14-041	419-72-075	DECOD	96-06-011
415-512-015	NEW-P	96-13-100	419-04-020	PREP-X	96-14-041	419-72-080	DECOD	96-06-011
415-512-020	NEW-P	96-13-100	419-04-030	PREP-X	96-14-041	419-80-010	DECOD	96-06-011
415-512-030	NEW-P	96-13-100	419-18	PREP	96-03-037	419-80-020	DECOD	96-06-011
415-512-040	NEW-P	96-13-100	419-18-020	DECOD	96-06-011	419-80-030	DECOD	96-06-011
415-512-050	NEW-P	96-13-100	419-18-030	DECOD	96-06-011	419-80-040	DECOD	96-06-011
415-512-070	NEW-P	96-13-100	419-18-040	DECOD	96-06-011	419-80-050	DECOD	96-06-011
415-512-075	NEW-P	96-13-100	419-18-045	DECOD	96-06-011	419-80-060	DECOD	96-06-011
415-512-080	NEW-P	96-13-100	419-18-050	DECOD	96-06-011	419-80-070	DECOD	96-06-011
415-512-085	NEW-P	96-13-100	419-18-060	DECOD	96-06-011	434-75-010	AMD-E	96-03-140
415-512-086	NEW-P	96-13-100	419-18-070	DECOD	96-06-011	434-75-010	AMD	96-03-141
415-512-087	NEW-P	96-13-100	419-18-080	DECOD	96-06-011	434-75-010	DECOD	96-03-141
415-512-090	NEW-P	96-13-100	419-20-010	PREP-X	96-14-040	434-75-020	AMD-E	96-03-140
415-512-110	NEW-P	96-13-100	419-20-020	PREP-X	96-14-040	434-75-020	AMD	96-03-141
415-524-010	NEW-P	96-13-100	419-20-030	PREP-X	96-14-040	434-75-020	DECOD	96-03-141
415-528-010	NEW-P	96-13-100	419-20-040	PREP-X	96-14-040	434-75-030	AMD-E	96-03-140
415-532-010	NEW-P	96-13-100	419-20-050	PREP-X	96-14-040	434-75-030	AMD	96-03-141
415-532-020	NEW-P	96-13-100	419-20-060	PREP-X	96-14-040	434-75-030	DECOD	96-03-141
415-536-010	NEW-P	96-13-100	419-20-070	PREP-X	96-14-040	434-75-040	AMD-E	96-03-140
415-540-010	NEW-P	96-13-100	419-20-080	PREP-X	96-14-040	434-75-040	AMD	96-03-141
415-544-010	NEW-P	96-13-100	419-20-090	PREP-X	96-14-040	434-75-040	DECOD	96-03-141
415-548-010	NEW-P	96-13-100	419-20-100	PREP-X	96-14-040	434-75-050	AMD-E	96-03-140
415-552-010	NEW-P	96-13-100	419-20-110	PREP-X	96-14-040	434-75-050	AMD	96-03-141
415-556-010	NEW-P	96-13-100	419-20-120	PREP-X	96-14-040	434-75-050	DECOD	96-03-141
415-560-010	NEW-P	96-13-100	419-20-130	PREP-X	96-14-040	434-75-060	AMD-E	96-03-140
415-564-010	NEW-P	96-13-100	419-20-140	PREP-X	96-14-040	434-75-060	AMD	96-03-141
415-564-020	NEW-P	96-13-100	419-20-150	PREP-X	96-14-040	434-75-060	DECOD	96-03-141
415-564-030	NEW-P	96-13-100	419-20-900	PREP-X	96-14-040	434-75-070	AMD-E	96-03-140
415-564-040	NEW-P	96-13-100	419-28-010	PREP-X	96-14-039	434-75-070	AMD	96-03-141
415-564-050	NEW-P	96-13-100	419-28-020	PREP-X	96-14-039	434-75-070	DECOD	96-03-141
415-564-060	NEW-P	96-13-100	419-28-030	PREP-X	96-14-039	434-75-080	AMD-E	96-03-140
415-568-010	NEW-P	96-13-100	419-28-040	PREP-X	96-14-039	434-75-080	AMD	96-03-141
415-568-020	NEW-P	96-13-100	419-28-050	PREP-X	96-14-039	434-75-080	DECOD	96-03-141

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141	440-26-110	NEW-P	96-13-101
434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141	440-26-120	NEW-P	96-13-101
434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140	440-26-130	NEW-P	96-13-101
434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141	440-26-140	NEW-P	96-13-101
434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141	440-26-160	NEW-P	96-13-101
434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085	440-26-200	NEW-P	96-13-101
434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089	440-26-205	NEW-P	96-13-101
434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021	440-26-210	NEW-P	96-13-101
434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089	440-26-220	NEW-P	96-13-101
434-75-120	AMD-E	96-03-140	434-120-130	AMD-P	96-05-089	440-26-230	NEW-P	96-13-101
434-75-120	AMD	96-03-141	434-120-130	AMD	96-10-021	440-26-240	NEW-P	96-13-101
434-75-120	DECOD	96-03-141	434-120-140	AMD-P	96-05-089	440-26-250	NEW-P	96-13-101
434-75-130	AMD-E	96-03-140	434-120-140	AMD	96-10-021	446-10-090	PREP	96-14-114
434-75-130	AMD	96-03-141	434-120-225	AMD-P	96-05-089	446-20-290	REP-E	96-11-069
434-75-130	DECOD	96-03-141	434-120-225	AMD	96-10-021	446-20-290	PREP	96-11-070
434-75-140	AMD-E	96-03-140	434-120-255	AMD-P	96-05-089	446-20-290	REP-P	96-14-078
434-75-140	AMD	96-03-141	434-120-300	AMD-P	96-05-088	446-20-600	NEW-E	96-11-069
434-75-140	DECOD	96-03-141	434-120-300	AMD	96-08-049	446-20-600	PREP	96-11-070
434-75-150	AMD-E	96-03-140	434-120-335	AMD-P	96-05-088	446-20-600	NEW-P	96-14-078
434-75-150	AMD	96-03-141	434-120-335	AMD	96-08-049	446-20-610	NEW-E	96-11-069
434-75-150	DECOD	96-03-141	434-166-260	AMD-P	96-07-069	446-20-610	PREP	96-11-070
434-75-160	AMD-E	96-03-140	434-166-260	AMD	96-10-052	446-20-610	NEW-P	96-14-078
434-75-160	AMD	96-03-141	434-166-280	AMD-P	96-07-069	446-20-620	NEW-E	96-11-069
434-75-160	DECOD	96-03-141	434-166-280	AMD	96-10-052	446-20-620	PREP	96-11-070
434-75-170	REP-E	96-03-140	434-166-290	AMD-P	96-07-069	446-20-620	NEW-P	96-14-078
434-75-170	REP	96-03-141	434-166-290	AMD	96-10-052	446-20-630	NEW-E	96-11-069
434-75-180	AMD-E	96-03-140	434-219-010	RECOD	96-03-141	446-20-630	PREP	96-11-070
434-75-180	AMD	96-03-141	434-219-020	RECOD	96-03-141	446-20-630	NEW-P	96-14-078
434-75-180	DECOD	96-03-141	434-219-030	RECOD	96-03-141	446-65-010	AMD-E	96-14-112
434-75-190	AMD-E	96-03-140	434-219-040	RECOD	96-03-141	446-65-010	PREP	96-14-113
434-75-190	AMD	96-03-141	434-219-050	RECOD	96-03-141	458-10	PREP	96-15-135
434-75-190	DECOD	96-03-141	434-219-060	RECOD	96-03-141	458-20-101	PREP	96-15-136
434-75-200	REP-E	96-03-140	434-219-070	RECOD	96-03-141	458-20-104	PREP	96-15-136
434-75-200	REP	96-03-141	434-219-080	RECOD	96-03-141	458-20-12401	NEW-P	96-06-056
434-75-210	AMD-E	96-03-140	434-219-090	RECOD	96-03-141	458-20-12401	NEW-P	96-09-087
434-75-210	AMD	96-03-141	434-219-100	RECOD	96-03-141	458-20-12401	NEW-E	96-10-020
434-75-210	DECOD	96-03-141	434-219-110	RECOD	96-03-141	458-20-13601	PREP	96-08-040
434-75-220	AMD-E	96-03-140	434-219-120	RECOD	96-03-141	458-20-14601	PREP	96-07-097
434-75-220	AMD	96-03-141	434-219-130	RECOD	96-03-141	458-20-199	AMD-P	96-06-057
434-75-220	DECOD	96-03-141	434-219-140	RECOD	96-03-141	458-20-199	AMD-C	96-10-040
434-75-230	AMD-E	96-03-140	434-219-150	RECOD	96-03-141	458-20-199	AMD	96-12-024
434-75-230	AMD	96-03-141	434-219-160	RECOD	96-03-141	458-20-211	AMD	96-03-139
434-75-230	DECOD	96-03-141	434-219-180	RECOD	96-03-141	458-20-226	AMD	96-05-080
434-75-240	AMD-E	96-03-140	434-219-190	RECOD	96-03-141	458-20-232	PREP-X	96-14-051
434-75-240	AMD	96-03-141	434-219-210	RECOD	96-03-141	458-20-263	PREP	96-14-079
434-75-240	DECOD	96-03-141	434-219-220	RECOD	96-03-141	458-20-263	NEW-E	96-14-080
434-75-250	AMD-E	96-03-140	434-219-230	RECOD	96-03-141	458-24-010	PREP-X	96-14-049
434-75-250	AMD	96-03-141	434-219-240	RECOD	96-03-141	458-24-020	PREP-X	96-14-049
434-75-250	DECOD	96-03-141	434-219-250	RECOD	96-03-141	458-24-030	PREP-X	96-14-049
434-75-260	AMD-E	96-03-140	434-219-260	RECOD	96-03-141	458-24-040	PREP-X	96-14-049
434-75-260	AMD	96-03-141	434-219-270	RECOD	96-03-141	458-24-050	PREP-X	96-14-049
434-75-260	DECOD	96-03-141	434-219-280	RECOD	96-03-141	458-24-060	PREP-X	96-14-049
434-75-270	AMD-E	96-03-140	434-219-290	RECOD	96-03-141	458-24-070	PREP-X	96-14-049
434-75-270	AMD	96-03-141	434-219-310	RECOD	96-03-141	458-24-080	PREP-X	96-14-049
434-75-270	DECOD	96-03-141	434-219-320	RECOD	96-03-141	458-24-090	PREP-X	96-14-049
434-75-280	AMD-E	96-03-140	434-219-330	RECOD	96-03-141	458-40-660	PREP	96-06-058
434-75-280	AMD	96-03-141	434-219-340	RECOD	96-03-141	458-40-660	AMD-P	96-10-075
434-75-280	DECOD	96-03-141	434-219-350	RECOD	96-03-141	458-40-660	AMD	96-14-063
434-75-290	AMD-E	96-03-140	440-22	PREP	96-08-079	458-53-010	AMD	96-05-002
434-75-290	AMD	96-03-141	440-22	PREP	96-12-015	458-53-020	AMD	96-05-002
434-75-290	DECOD	96-03-141	440-22-005	AMD-P	96-09-078	458-53-030	AMD	96-05-002
434-75-300	REP-E	96-03-140	440-22-005	AMD-C	96-12-033	458-53-040	REP	96-05-002
434-75-300	REP	96-03-141	440-22-005	AMD-S	96-14-055	458-53-050	AMD	96-05-002
434-75-310	AMD-E	96-03-140	440-22-406	NEW-P	96-09-078	458-53-051	REP	96-05-002
434-75-310	AMD	96-03-141	440-22-406	NEW-C	96-12-033	458-53-070	AMD	96-05-002
434-75-310	DECOD	96-03-141	440-22-406	NEW-S	96-14-055	458-53-080	AMD	96-05-002
434-75-320	AMD-E	96-03-140	440-22-408	NEW-P	96-09-078	458-53-090	AMD	96-05-002
434-75-320	AMD	96-03-141	440-22-408	NEW-C	96-12-033	458-53-095	NEW	96-05-002
434-75-320	DECOD	96-03-141	440-26-005	NEW-P	96-13-101	458-53-100	AMD	96-05-002
434-75-330	AMD-E	96-03-140	440-26-010	NEW-P	96-13-101	458-53-105	NEW	96-05-002
434-75-330	AMD	96-03-141	440-26-020	NEW-P	96-13-101	458-53-110	REP	96-05-002
434-75-330	DECOD	96-03-141	440-26-030	NEW-P	96-13-101	458-53-120	REP	96-05-002
434-75-340	AMD-E	96-03-140	440-26-100	NEW-P	96-13-101	458-53-130	AMD	96-05-002

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458-53-135	NEW	96-05-002	460-10A-150	REP-P	96-07-084	460-42A-010	PREP	96-03-119
458-53-140	AMD	96-05-002	460-10A-150	REP	96-11-026	460-42A-010	REP-P	96-07-067
458-53-141	REP	96-05-002	460-10A-155	REP-P	96-07-084	460-42A-010	REP	96-11-028
458-53-142	REP	96-05-002	460-10A-155	REP	96-11-026	460-42A-081	AMD-P	96-03-131
458-53-150	REP	96-05-002	460-10A-170	AMD-P	96-07-084	460-42A-081	AMD	96-11-016
458-53-160	AMD	96-05-002	460-10A-170	AMD	96-11-026	460-44A-503	PREP	96-03-116
458-53-163	REP	96-05-002	460-10A-180	AMD-P	96-07-084	460-44A-503	AMD-P	96-12-019
458-53-165	REP	96-05-002	460-10A-180	AMD	96-11-026	460-44A-503	AMD	96-15-063
458-53-180	REP	96-05-002	460-10A-185	NEW-P	96-07-084	460-44A-505	PREP	96-03-116
458-53-200	AMD	96-05-002	460-10A-185	NEW	96-11-026	460-44A-506	PREP	96-03-116
458-53-210	AMD	96-05-002	460-10A-190	NEW-P	96-07-084	460-46A-050	AMD-P	96-03-132
458-56-010	PREP-X	96-14-050	460-10A-190	NEW	96-11-026	460-46A-050	AMD	96-11-015
458-56-020	PREP-X	96-14-050	460-10A-195	NEW-P	96-07-084	460-60A-015	PREP	96-03-123
458-56-030	PREP-X	96-14-050	460-10A-195	NEW	96-11-026	460-60A-015	AMD-P	96-07-058
458-56-040	PREP-X	96-14-050	460-10A-200	NEW-P	96-07-084	460-60A-015	AMD	96-11-022
458-56-050	PREP-X	96-14-050	460-10A-200	NEW	96-11-026	460-60A-020	PREP	96-03-123
458-56-060	PREP-X	96-14-050	460-10A-205	NEW-P	96-07-084	460-60A-020	AMD-P	96-07-058
458-56-070	PREP-X	96-14-050	460-10A-205	NEW	96-11-026	460-60A-020	AMD	96-11-022
458-56-080	PREP-X	96-14-050	460-10A-210	NEW-P	96-07-084	460-80-160	PREP	96-03-118
458-56-090	PREP-X	96-14-050	460-10A-210	NEW	96-11-026	460-80-160	REP-P	96-07-066
458-56-100	PREP-X	96-14-050	460-16A-010	PREP	96-03-129	460-80-160	REP	96-11-029
458-56-110	PREP-X	96-14-050	460-16A-010	AMD-P	96-07-057	461-08-001	REP-P	96-10-062
458-56-120	PREP-X	96-14-050	460-16A-010	AMD	96-11-023	461-08-001	REP	96-15-002
458-56-130	PREP-X	96-14-050	460-16A-015	PREP	96-03-128	461-08-005	REP-P	96-10-062
458-56-140	PREP-X	96-14-050	460-16A-015	AMD-P	96-07-065	461-08-005	REP	96-15-002
458-56-150	PREP-X	96-14-050	460-16A-015	AMD	96-11-019	461-08-010	REP-P	96-10-062
458-56-160	PREP-X	96-14-050	460-16A-111	PREP	96-03-127	461-08-010	REP	96-15-002
458-56-170	PREP-X	96-14-050	460-16A-111	AMD-P	96-07-063	461-08-015	REP-P	96-10-062
458-56-180	PREP-X	96-14-050	460-16A-111	AMD	96-11-020	461-08-015	REP	96-15-002
458-56-190	PREP-X	96-14-050	460-16A-111	AMD	96-03-126	461-08-020	REP-P	96-10-062
458-56-200	PREP-X	96-14-050	460-16A-120	PREP	96-07-062	461-08-020	REP	96-15-002
458-56-210	PREP-X	96-14-050	460-16A-120	AMD-P	96-07-062	461-08-025	REP-P	96-10-062
458-56-220	PREP-X	96-14-050	460-16A-120	AMD	96-11-021	461-08-025	REP	96-15-002
458-56-230	PREP-X	96-14-050	460-16A-125	PREP	96-03-125	461-08-025	REP	96-15-002
460-10A	PREP	96-03-121	460-16A-125	AMD-P	96-07-055	461-08-030	REP-P	96-10-062
460-10A-035	REP-P	96-07-084	460-16A-125	AMD	96-11-024	461-08-030	REP	96-15-002
460-10A-035	REP	96-11-026	460-16A-150	PREP	96-03-125	461-08-035	REP-P	96-10-062
460-10A-050	AMD-P	96-07-084	460-16A-150	AMD-P	96-07-055	461-08-035	REP	96-15-002
460-10A-050	AMD	96-11-026	460-16A-150	AMD	96-11-024	461-08-040	REP-P	96-10-062
460-10A-055	REP-P	96-07-084	460-16A-205	PREP	96-03-130	461-08-040	REP	96-15-002
460-10A-055	REP	96-11-026	460-16A-205	AMD-P	96-07-061	461-08-045	REP-P	96-10-062
460-10A-060	AMD-P	96-07-084	460-16A-205	AMD	96-11-017	461-08-045	REP	96-15-002
460-10A-060	AMD	96-11-026	460-16A-205	AMD	96-03-129	461-08-047	REP-P	96-10-062
460-10A-065	REP-P	96-07-084	460-16A-390	PREP	96-07-057	461-08-047	REP	96-15-002
460-10A-065	REP	96-11-026	460-16A-390	AMD-P	96-07-057	461-08-050	REP-P	96-10-062
460-10A-075	REP-P	96-07-084	460-17A	PREP	96-11-023	461-08-050	REP	96-15-002
460-10A-075	REP	96-11-026	460-17A	AMD-P	96-03-120	461-08-050	REP	96-15-002
460-10A-080	REP-P	96-07-084	460-17A	AMD	96-07-083	461-08-053	REP-P	96-10-062
460-10A-080	REP	96-11-026	460-17A-010	AMD-P	96-11-027	461-08-053	REP	96-15-002
460-10A-090	REP-P	96-07-084	460-17A-010	AMD	96-07-083	461-08-055	REP-P	96-10-062
460-10A-090	REP	96-11-026	460-17A-020	AMD-P	96-11-027	461-08-055	REP	96-15-002
460-10A-095	REP-P	96-07-084	460-17A-020	AMD	96-07-083	461-08-060	REP-P	96-10-062
460-10A-095	REP	96-11-026	460-17A-030	AMD-P	96-07-083	461-08-060	REP	96-15-002
460-10A-100	REP-P	96-07-084	460-17A-030	AMD	96-11-027	461-08-065	REP-P	96-10-062
460-10A-100	REP	96-11-026	460-17A-040	AMD-P	96-07-083	461-08-065	REP	96-15-002
460-10A-105	REP-P	96-07-084	460-17A-040	AMD	96-11-027	461-08-070	REP-P	96-10-062
460-10A-105	REP	96-11-026	460-17A-050	AMD-P	96-07-083	461-08-070	REP	96-15-002
460-10A-110	AMD-P	96-07-084	460-17A-050	AMD	96-11-027	461-08-075	REP-P	96-10-062
460-10A-110	AMD	96-11-026	460-17A-060	AMD-P	96-07-083	461-08-075	REP	96-15-002
460-10A-115	REP-P	96-07-084	460-17A-060	AMD	96-11-027	461-08-080	REP-P	96-10-062
460-10A-115	REP	96-11-026	460-17A-060	AMD	96-11-027	461-08-080	REP	96-15-002
460-10A-120	REP-P	96-07-084	460-17A-070	AMD-P	96-07-083	461-08-085	REP-P	96-10-062
460-10A-120	REP	96-11-026	460-17A-070	AMD	96-11-027	461-08-085	REP	96-15-002
460-10A-125	REP-P	96-07-084	460-20B-020	PREP	96-03-117	461-08-085	REP	96-15-002
460-10A-125	REP	96-11-026	460-20B-020	AMD-P	96-07-059	461-08-090	REP-P	96-10-062
460-10A-130	AMD-P	96-07-084	460-20B-035	NEW-S	96-12-018	461-08-090	REP	96-15-002
460-10A-130	AMD	96-11-026	460-20B-035	NEW	96-15-062	461-08-093	REP-P	96-10-062
460-10A-135	REP-P	96-07-084	460-20B-070	PREP	96-03-117	461-08-093	REP	96-15-002
460-10A-135	REP	96-11-026	460-20B-070	NEW-P	96-07-059	461-08-095	REP-P	96-10-062
460-10A-140	REP-P	96-07-084	460-33A-020	PREP	96-03-124	461-08-095	REP	96-15-002
460-10A-140	REP	96-11-026	460-33A-020	AMD-P	96-07-056	461-08-100	REP-P	96-10-062
460-10A-145	REP-P	96-07-084	460-33A-020	AMD	96-11-025	461-08-100	REP	96-15-002
460-10A-145	REP	96-11-026	460-40A-025	PREP	96-03-122	461-08-105	REP-P	96-10-062
460-10A-145	REP	96-11-026	460-40A-025	REP-P	96-07-060	461-08-110	REP-P	96-15-002
			460-40A-025	REP	96-11-018	461-08-110	REP	96-15-002

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461-08-115	REP-P	96-10-062	461-08-265	REP	96-15-002	461-08-475	NEW-P	96-10-062
461-08-115	REP	96-15-002	461-08-270	REP-P	96-10-062	461-08-475	NEW	96-15-002
461-08-120	REP-P	96-10-062	461-08-270	REP	96-15-002	461-08-480	NEW-P	96-10-062
461-08-120	REP	96-15-002	461-08-300	NEW-P	96-10-062	461-08-480	NEW	96-15-002
461-08-125	REP-P	96-10-062	461-08-300	NEW	96-15-002	461-08-485	NEW-P	96-10-062
461-08-125	REP	96-15-002	461-08-305	NEW-P	96-10-062	461-08-485	NEW	96-15-002
461-08-130	REP-P	96-10-062	461-08-305	NEW	96-15-002	461-08-490	NEW-P	96-10-062
461-08-130	REP	96-15-002	461-08-310	NEW-P	96-10-062	461-08-490	NEW	96-15-002
461-08-135	REP-P	96-10-062	461-08-310	NEW-S	96-13-064	461-08-495	NEW-P	96-10-062
461-08-135	REP	96-15-002	461-08-315	NEW-P	96-10-062	461-08-495	NEW	96-15-002
461-08-140	REP-P	96-10-062	461-08-315	NEW	96-15-002	461-08-500	NEW-P	96-10-062
461-08-140	REP	96-15-002	461-08-320	NEW-P	96-10-062	461-08-500	NEW	96-15-002
461-08-143	REP-P	96-10-062	461-08-320	NEW	96-15-002	461-08-505	NEW-P	96-10-062
461-08-143	REP	96-15-002	461-08-325	NEW-P	96-10-062	461-08-505	NEW	96-15-002
461-08-144	REP-P	96-10-062	461-08-325	NEW	96-15-002	461-08-510	NEW-P	96-10-062
461-08-144	REP	96-15-002	461-08-330	NEW-P	96-10-062	461-08-510	NEW	96-15-002
461-08-145	REP-P	96-10-062	461-08-330	NEW	96-15-002	461-08-515	NEW-P	96-10-062
461-08-145	REP	96-15-002	461-08-335	NEW-P	96-10-062	461-08-515	NEW	96-15-002
461-08-150	REP-P	96-10-062	461-08-335	NEW	96-15-002	461-08-520	NEW-P	96-10-062
461-08-150	REP	96-15-002	461-08-340	NEW-P	96-10-062	461-08-520	NEW-S	96-13-064
461-08-155	REP-P	96-10-062	461-08-340	NEW	96-15-002	461-08-525	NEW-P	96-10-062
461-08-155	REP	96-15-002	461-08-345	NEW-P	96-10-062	461-08-525	NEW	96-15-002
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461-08-156	REP	96-15-002	461-08-350	NEW-P	96-10-062	461-08-530	NEW	96-15-002
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<b>HOUSING FINANCE COMMISSION</b> Housing finance plan, hearings	MISC 96-01-110 MISC 96-01-111	<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> Administrative rules review Apprenticeship and training council apprenticeship agreements apprenticeship committees Asbestos certification program  Boiler rules, board of nonstandard boilers and pressure vessels, requirements reinstalled boilers and pressure vessels, requirements Electrical board meetings Electrical code Employment standards employer-required wearing apparel  overtime compensation for retail sales employees  Factory built housing  First-aid requirements Hazard communication Mobile homes, commercial coaches, and recreational vehicles	MISC 96-03-152  EMER 96-03-092 PREP 96-10-035 PERM 96-05-056 PREP 96-14-119  PREP 96-09-086 PREP 96-09-086 MISC 96-01-050 PREP 96-10-082  PREP 96-10-084 PROP 96-14-115  PREP 96-10-083 PROP 96-14-116 PREP 96-06-032 PROP 96-15-089 PREP 96-12-071 PREP 96-14-118  PREP 96-06-032 PROP 96-15-089
<b>HUMAN RIGHTS COMMISSION</b> Employment handicapped persons preemployment inquiry guide sex discrimination Fair housing program  Meetings	PROP 96-08-055 PROP 96-08-055 PROP 96-08-055 PREP 96-02-081 PROP 96-06-087 PROP 96-13-044 PERM 96-13-045 MISC 96-01-106 MISC 96-08-051 MISC 96-12-040	Occupational health standards asbestos exposure general  lead exposure  respiratory protection  saccharin fit testing  Policy and interpretive statements Recordkeeping and reporting confidential witness statements  Safety and health standards beryllium and nitrous oxide PELs  crane and derrick suspended platforms  personal protective equipment  pesticides, worker protection sawmills Safety standards agriculture	PREP 96-10-083 PROP 96-14-116 PREP 96-06-032 PROP 96-15-089  PREP 96-10-083 PROP 96-14-116 PREP 96-06-032 PROP 96-15-089  EMER 96-08-072 PROP 96-03-024 PERM 96-09-030 PROP 96-03-024 PERM 96-09-030 PROP 96-03-024 PERM 96-09-030 PROP 96-03-024 PERM 96-09-030 MISC 96-15-045  MISC 96-06-033 PROP 96-10-085  PREP 96-05-077 PROP 96-10-085  PROP 96-03-024 PERM 96-09-030 PROP 96-03-024 PERM 96-09-030 PREP 96-06-078 PROP 96-10-085  PREP 96-06-034 PREP 96-06-078
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Technical assistance consultant lists	PERM	96-09-030		PROP	96-04-040
Wages and hours	PREP	96-01-119	registration	PERM	96-10-013
overtime compensation for retail sales employees	PREP	96-10-083		PERM	96-08-005
Workers' compensation classifications	PROP	96-05-064	suspension of registration for default on student loans	PREP	96-11-132
	PROP	96-05-065	<b>Licenses and certifications</b>	PROP	96-04-009
hospital services payment	PERM	96-12-039	suspension for default on student loans	PROP	96-04-040
job modification during vocational retraining	PREP	96-11-066	<b>Limousine carrier businesses</b>	PERM	96-10-013
medical services payment system	PREP	96-03-106	fees	EMER	96-12-076
	PREP	96-02-052	insurance requirements	EMER	96-12-076
	PROP	96-05-066	<b>Model traffic ordinance</b>	PROP	96-10-039
	PERM	96-10-086		PERM	96-13-089
	PERM	96-13-104	<b>Motor vehicles</b>		
premium discount, drug-free workplace employer certification	EMER	96-14-065	collectors' vehicles, licensing	PREP	96-10-023
	PREP	96-09-100	dealer/manufacture licensing	PROP	96-13-042
premium rates	PROP	96-13-105	destroyed vehicles, reporting	PREP	96-08-029
	PREP	96-01-118	disabled person parking privileges	PREP	96-14-034
	EMER	96-02-053	limousine and for hire businesses	PREP	96-07-047
	PROP	96-03-115		PROP	96-11-006
	PERM	96-06-025	motor vehicle excise tax	PREP	96-11-104
rates and rating system	PREP	96-15-088	owner identification criteria	PERM	96-04-004
	PROP	96-05-064	owner information disclosure	PERM	96-03-047
retrospective rating	PROP	96-05-065	ride sharing for persons with special transportation needs	PREP	96-10-024
	PREP	96-03-153	salvage vehicles, reporting	PREP	96-08-029
	PROP	96-07-098	snowmobile registration fee	PROP	96-09-039
self-insurers, certification and procedures	PERM	96-10-029		PERM	96-13-053
	PREP	96-12-094	<b>Taipei economic and cultural office</b>		
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>			special license plates	PREP	96-10-022
Hazing policy	PROP	96-03-060	taxi cabs	PREP	96-07-047
	PERM	96-07-049		PROP	96-11-006
			veteran remembrance emblems program	PREP	96-04-064
				PROP	96-09-040
				PERM	96-13-054
<b>LAND USE STUDY COMMISSION</b>			<b>Private detectives</b>		
(See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )			fees	PREP	96-12-090
			penalties	PREP	96-12-090
<b>LICENSING, DEPARTMENT OF</b>			Public records, availability	PROP	96-02-035
Architects, board of registration for				PERM	96-05-036
examinations	PREP	96-15-077	<b>Real estate commission</b>		
fees	PREP	96-15-077	agency representation disclosure	PREP	96-13-049
licenses			meetings	MISC	96-02-011
reciprocity	PREP	96-15-077	real estate education	PREP	96-13-049
renewal	PREP	96-15-077	<b>Security guards</b>		
suspension for default on student loans	PREP	96-13-016	fees	PREP	96-12-091
meetings	MISC	96-02-062	penalties	PREP	96-12-091
	MISC	96-03-089	<b>Travel sellers</b>		
Boxing and wrestling	PREP	96-11-114	registration	EMER	96-01-055
Drivers' licenses				PREP	96-08-056
agency contact information update	PREP	96-14-095		PROP	96-08-057
Engineers and land surveyors, board of licenses				EMER	96-09-056
requirements	PROP	96-07-052	<b>Vessels</b>	PROP	96-11-102
	PERM	96-11-086	application fees, disposition	PERM	96-14-092
				PROP	96-09-041
				PERM	96-13-055

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owner identification criteria	PERM	96-04-004	Instant game number 174 - \$2 Double Joker	PROP	96-12-096
owner information disclosure	PERM	96-03-046		PERM	96-15-124
watercraft excise tax and registration exemption for Indian tribal members			Instant game number 175 - Cash Vault	PROP	96-12-096
	PROP	96-07-030		PROP	96-15-124
	PROP	96-11-128	Instant game number 176 - Amazing 8s	PROP	96-12-096
				PERM	96-15-124
			Instant game number 177 - \$2 Jumbo Bucks	PROP	96-12-096
<b>LIQUOR CONTROL BOARD</b>				PERM	96-15-124
Alcohol server training program	PERM	96-03-074	Instant game number 178 - Royal Flush	PROP	96-12-096
	PROP	96-13-087		PERM	96-15-124
Distributors			Instant game number 179 - Crazy Cash	PROP	96-12-096
beer and wine wholesale price postings	PREP	96-01-123		PERM	96-15-124
	PROP	96-07-101	Instant game number 180 - \$2 Stadium Fever	PROP	96-15-126
	PROP	96-11-075	Instant game number 181 - My! Oh! My!	PROP	96-15-126
			Instant game number 182 - Bonus 7 Come 11	PROP	96-15-126
Licenses			Instant game number 183 - Win For Life	PROP	96-15-126
approval of uncontested or unopposed applications	PREP	96-10-056	Instant game rules	PREP	96-03-156
complimentary drinks for customers	PREP	96-15-043		PREP	96-08-004
game rooms, liquor service	PREP	96-15-041	Limited off-premises sales permits	PREP	96-09-103
restaurants, class H	PERM	96-03-005	Lotto	PREP	96-12-095
self-service activities	PREP	96-15-040		PREP	96-15-123
transfers of licenses	PERM	96-03-004	Prizes, payment	PERM	96-03-039
Tobacco products				PROP	96-12-096
distribution, reporting requirements	PREP	96-15-042	Rules coordinator	PERM	96-15-054
sample, definition	PREP	96-09-044		PREP	96-12-095
	PROP	96-13-043		PERM	96-15-124
Wine warehouses				PROP	96-15-126
storage and removal of wine	PREP	96-01-124		MISC	96-07-001
	PROP	96-07-100		MISC	96-15-053
	PERM	96-11-076			
<b>LOTTERY COMMISSION</b>			<b>MARINE SAFETY, OFFICE OF</b>		
Instant game number 157 - Summer Gold	PROP	96-03-038	Fishing vessel boarding checklist	MISC	96-05-063
	PROP	96-03-157	Pilot coordination and testing program	PERM	96-03-070
Instant game number 158 - Five Card Stud	PERM	96-07-015	Vessel operation		
Instant game number 159 - Fat Cat	PERM	96-03-039	small tank barges, financial responsibility	EMER	96-08-002
Instant game number 160 - My! Oh! My!	PERM	96-03-039		PREP	96-10-048
Instant game number 161 - \$2 Baseball scorecard	PERM	96-03-039	substantial risk standards	PROP	96-03-071
Instant game number 162 - \$2 Double Dollars	PROP	96-03-157		MISC	96-03-082
	PERM	96-07-015		MISC	96-05-063
	PROP	96-12-096		PROP	96-09-008
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Instant game number 163 - Apple Bucks	PROP	96-03-157			
	PERM	96-07-015	<b>MINORITY AND WOMENS' BUSINESS ENTERPRISES,</b>		
	EMER	96-15-087	<b>OFFICE OF</b>		
	PROP	96-15-126	Annual goals for participation	PREP	96-07-089
Instant game number 164 - Blackjack	PROP	96-03-157		PROP	96-11-100
	PERM	96-07-015	Bid standards	PERM	96-14-064
	PREP	96-08-071		PREP	96-13-009
	PROP	96-12-096	State agency and educational institution responsibilities	EMER	96-13-010
	PERM	96-15-124		PREP	96-07-088
Instant game number 165 - \$2 Bingo	PROP	96-03-157	<b>NATURAL RESOURCES, DEPARTMENT OF</b>		
	PERM	96-07-015	Burning permit program		
Instant game number 166 - Instant Jackpot	PROP	96-03-157	fees	PROP	96-08-027
	PERM	96-07-015		PERM	96-12-020
Instant game number 167 - 100 Grands	PROP	96-03-157	Fire hazard areas, closure	EMER	96-13-048
	PERM	96-07-015	Fire protection		
	PROP	96-12-096	Anderson Island industrial restrictions	PERM	96-03-003
	PERM	96-15-124	Forest fire advisory board meetings	PREP	96-12-021
Instant game number 168 - \$2 Instant Casino	PROP	96-07-104			
	PERM	96-11-107	Forest practices board (See <b>FOREST PRACTICES BOARD</b> )		
Instant game number 169 - Aces High	PROP	96-07-104	Natural heritage advisory council meetings	MISC	96-03-034
	PERM	96-11-107			
	PROP	96-12-096	Natural resources, board of meetings	MISC	96-08-053
	PERM	96-15-124			
Instant game number 170 - Lucky Charms	PROP	96-07-104		MISC	96-08-048
	PERM	96-11-107		MISC	96-10-009
Instant game number 171 - \$5 Holiday Surprise	PROP	96-07-104	<b>NORTHWEST AIR POLLUTION AUTHORITY</b>		
	PERM	96-11-107	Compliance standards and enforcement	PROP	96-01-089
	PROP	96-12-096		PERM	96-05-024
	PERM	96-15-124			
Instant game number 172 - Winner Wonderland	PROP	96-07-104			
	PERM	96-11-107			
Instant game number 173 - Lucky Streak	PROP	96-07-104			
	PERM	96-11-107			

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	PROP	96-06-017					
	PERM	96-11-091					
<b>OLYMPIC COLLEGE</b>				Meetings		<b>EMER</b>	<b>96-15-046</b>
Meetings						<b>EMER</b>	<b>96-15-047</b>
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	MISC	96-03-112		Shared leave		MISC	96-14-105
	MISC	96-07-006				PROP	96-08-082
	MISC	96-15-013				PROP	96-02-002
						PROP	96-02-069
						PROP	96-08-083
						PROP	96-08-084
						PERM	96-11-058
<b>OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR</b>				Shift premium		PERM	96-11-059
Development costs, retroactivity	PROP	96-11-112				PROP	96-02-070
	EMER	96-11-113				PROP	96-07-092
	PROP	96-12-065				PROP	96-09-053
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Funds management	PROP	96-04-054		Temporary appointments from outside state service		PERM	96-13-075
	PERM	96-08-044					
Meetings	MISC	96-03-136		Temporary appointments from within state service		PROP	96-02-002
	MISC	96-05-025		Union shop elections		PROP	96-02-002
	MISC	96-07-020				PROP	96-10-066
	MISC	96-10-008		Veteran's preference		PROP	96-13-073
	MISC	96-12-042				PROP	96-08-085
Organization and operation	<b>MISC</b>	<b>96-15-001</b>				PROP	96-08-086
	PROP	96-04-054				PERM	96-11-060
	PERM	96-08-044		Washington management service		PERM	96-11-061
						PERM	96-02-073
<b>PARKS AND RECREATION COMMISSION</b>							
Application fees	PREP	96-13-079		<b>PERSONNEL, DEPARTMENT OF</b>			
	<b>PROP</b>	<b>96-15-108</b>		Personnel resources board			
Fishing in state parks	PERM	96-01-030		(See <b>PERSONNEL RESOURCES BOARD</b> )			
Land classification system	PERM	96-01-078		Salary adjustments		PROP	96-08-089
Meetings	MISC	96-02-016				PERM	96-12-004
SEPA procedures	PERM	96-01-029		<b>PIERCE COLLEGE</b>			
Snowmobile registration fee	PREP	96-07-019		Meetings		MISC	96-01-016
Technical rock climbing, regulations	PERM	96-02-015				MISC	96-05-052
				<b>PILOTAGE COMMISSIONERS, BOARD OF</b>			
<b>PENINSULA COLLEGE</b>				Pilotage tariff rates			
Meetings	MISC	96-05-062		Grays Harbor district		PREP	96-05-054
						PROP	96-10-055
<b>PERSONNEL RESOURCES BOARD</b>				Puget Sound district		PROP	96-13-057
Classification plan	PROP	96-08-087				PERM	96-14-062
	PROP	96-08-088				PREP	96-04-052
	PERM	96-11-062				PROP	96-08-067
	PERM	96-11-063				PERM	96-12-017
Compensation	PERM	96-02-073		<b>POLLUTION CONTROL HEARINGS BOARD</b>			
	PROP	96-08-087		(See <b>ENVIRONMENTAL HEARINGS OFFICE</b> )			
	PROP	96-08-088		<b>POLLUTION LIABILITY INSURANCE AGENCY</b>			
	PERM	96-11-062		Appeals		PROP	96-01-102
Compensatory time	PERM	96-11-063				PERM	96-04-005
Disabled employees, accommodation	PROP	96-08-082		Heating oil pollution liability insurance program		PERM	96-01-101
	PROP	96-02-071				EMER	96-02-051
	PERM	96-05-026		Underground storage tanks site visits		PROP	96-01-102
Examinations							
administration	PERM	96-02-072		<b>PUBLIC DISCLOSURE COMMISSION</b>			
veteran's preference	PROP	96-08-085		Contributions definitions		PROP	96-05-072
	PROP	96-08-086				PROP	96-05-073
Labor relations	PREP	96-02-001		expenditure reporting independent expenditures		PERM	96-09-015
	PROP	96-04-052A				PERM	96-09-016
	PROP	96-04-053		legislative session freeze period limitations		PREP	96-14-104
	PROP	96-06-059				PROP	96-05-072
	PROP	96-07-091				PROP	96-05-073
	PERM	96-07-093				PERM	96-09-015
	PROP	96-09-054				PERM	96-09-016
	PERM	96-09-055				PERM	96-01-103
	PROP	96-11-057				PROP	96-01-109
Layoff	PERM	96-13-074				PERM	96-04-021
	PROP	96-10-065				<b>PROP</b>	<b>96-15-009</b>
Leave rules	PERM	96-13-078					
	PROP	96-08-081					
	PROP	96-08-082					
	PROP	96-09-088					
	PROP	96-09-089					
	PERM	96-13-076					
	PERM	96-13-077					





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<p>Excise taxes                  financial institutions and businesses apportionment of income  <b>PREP 96-07-097</b></p> <p>Expedited repeal                  gift taxes                  liquor sales tax                  unfair cigarette sales act</p> <p>Property tax                  agricultural land valuation                  forest land values                  inflation rates                  ratios of real and personal property, determination                  refunds, rate of interest</p> <p>Public utility tax                  low-density light and power utility deduction                  tax return filing, exemption</p> <p>Real property appraisers accreditation  <b>PREP 96-15-135</b></p> <p>Rules coordinator  <b>MISC 96-10-074</b></p> <p>Sales tax                  accounting methods                  equipment rentals                  landscape and horticultural services                  manufacturing machinery and equipment                  stadium tax on food and beverage sales                  wind and solar electric generating facilities</p> <p>Timber excise tax                  definitions                  scaling and grading methods                  stumpage values</p> <p>    timber quality codes</p> <p>Use tax                  manufacturing machinery and equipment                  stadium tax on food and beverage sales                  wind and solar electric generating facilities</p>			<p>Revenue, department of                  Shoreline Community College                  Social and health services, department of                  Washington state historical society</p> <p><b>SEATTLE COMMUNITY COLLEGES</b>                  Meetings</p> <p><b>SECRETARY OF STATE</b>                  Charitable solicitations                      financial reporting                      registration                  Charitable trusts                      annual renewal date                      jurisdiction                  Corporations division                      dissolved corporations list                  Elections                      administration                      initiative and referendum petitions,                      signature verification                      presidential primary                  International student exchange agencies                      registration</p> <p><b>SHORELINE COMMUNITY COLLEGE</b>                  Rules coordinator</p> <p><b>SHORELINE HEARINGS BOARD</b>                  (See <b>ENVIRONMENTAL HEARINGS OFFICE</b>)</p> <p><b>SKAGIT VALLEY COLLEGE</b>                  Antidiscrimination policy                  Grievance procedure                  Hazing policy                  Meetings                  Sexual harassment policy</p> <p><b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>                  Administrative hearings                  Adoption support services                  Adult family homes                      licensing and operation                  payment rates                  Aging and adult services                      adult residential care                      assisted living facilities                      payment rates                  home and community assistance,                      eligibility</p>	<p>MISC 96-10-074              MISC 96-11-065              MISC <b>96-15-011</b>              MISC 96-03-146</p> <p>MISC 96-01-023              MISC 96-05-016              MISC 96-06-037              MISC 96-07-013              MISC 96-07-038              MISC 96-09-012              MISC 96-11-050              MISC 96-13-014              MISC 96-14-094</p> <p>PROP 96-01-088              PROP 96-05-089              PERM 96-08-049              PERM 96-10-021              PROP 96-01-088              PROP 96-05-089              PERM 96-08-049              PERM 96-10-021</p> <p>PROP 96-05-088              PERM 96-08-049              PROP 96-05-088              PERM 96-08-049</p> <p>MISC 96-01-122</p> <p>PREP 96-14-103              EMER 96-14-085              EMER 96-03-140              PERM 96-03-141</p> <p>PROP 96-07-069              PERM 96-10-052</p> <p>MISC 96-11-065</p> <p>PERM 96-01-077              PERM 96-01-077              PREP 96-10-016              PROP <b>96-15-061</b>              MISC 96-01-015              MISC 96-10-004              PERM 96-01-077</p> <p>PROP 96-14-102  <b>PREP 96-15-107</b></p> <p>PROP 96-06-040              PROP 96-11-106              PROP 96-13-018              PROP 96-13-058              PERM 96-14-003  <b>PREP 96-15-105</b></p> <p>PREP 96-02-022</p> <p><b>PREP 96-15-106</b></p> <p>PREP 96-08-041A              PROP 96-04-084</p>
<p><b>RULES COORDINATORS</b>              (See Issue 96-01 for a complete list of rules coordinators designated as of 12/20/95)</p> <p>Arts commission              County road administration board              Ecology, department of              Executive ethics board              Financial management, office of              Forensic investigations council              Gambling commission              Higher education, joint center for              Indeterminate sentence review board              Investment board              Judicial conduct, commission on              Lottery commission</p>				

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	PROP	96-09-032	Community options program entry system (COPES)	
	PROP	96-10-010	income exemptions	PREP 96-03-098
	PROP	96-10-077		PROP 96-11-012
	PERM	96-11-045		PERM 96-14-058
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nursing home discharge allowance	EMER	96-14-036	Crisis residential centers	
	PREP	96-02-021	licensing requirements	PROP 96-06-051
	PROP	96-06-014		EMER 96-07-079
	PERM	96-09-035		PERM 96-10-032
social services for families, children, and adults	PREP	96-06-009	Developmental disabilities, division of	
	PROP	96-13-107	community residential services, nursing assistant training	PROP 96-07-090
Aid to families with dependent children (AFDC) assistance units	PROP	96-03-099	eligibility for services	PERM 96-10-076
	PERM	96-06-045	family support program	PREP 96-12-034
eligibility	PREP	96-03-096	funding	PREP 96-12-016
	EMER	96-04-001	Domestic violence perpetrator treatment program certification	PROP 96-14-101
	PROP	96-07-009	Drug-free workplace program	
income policies	PERM	96-10-045	employer certification	PREP 96-08-079
incorrect payments	PERM	96-01-008		PROP 96-13-101
determination of intent	PREP	96-06-008	Financial recovery, office of	
	PROP	96-11-127	hospitalization costs of criminally insane persons	PREP 96-14-002
medical programs, eligibility	EMER	96-02-003		<b>PROP 96-15-057</b>
	PREP	96-02-004	Food stamp program	
	EMER	96-08-036	certification periods	PREP 96-07-094
monthly reporting	PREP	96-01-018		EMER 96-10-059
	PROP	96-04-035		PROP 96-11-146
	PERM	96-07-025		PERM 96-14-074
payment standards	PROP	96-01-062	definitions	PROP 96-03-013
	PERM	96-04-002		PERM 96-06-031
success through employment program (STEP)	EMER	96-02-048	income deductions	PROP 96-03-097
	PROP	96-04-034		PERM 96-06-046
	PERM	96-07-021	income eligibility	PROP 96-01-069
time-loss compensation	PERM	96-03-040		PROP 96-11-082
Alcohol and substance abuse, division of				<b>PROP 96-15-038</b>
behavior management and temporary protective holding of patients	PREP	96-01-061	income of nonhousehold members	<b>PREP 96-15-090</b>
	PROP	96-09-078	ineligible household members	PREP 96-01-068
	PROP	96-12-033	resource exemptions	PREP 96-09-034
	PROP	96-14-055		PROP 96-04-008
drug-free workplace program, worker compensation employer premium discount	PREP	96-08-079	retrospective income budgeting	PERM 96-07-022
	PROP	96-13-101		PREP 96-01-070
Child care			special circumstances budgeting	PROP 96-11-081
eligibility	EMER	96-01-007		PREP 96-01-072
	PROP	96-06-026	students, eligibility	PROP 96-11-080
	PERM	96-09-058		PREP 96-01-071
Child care facilities			utility allowances	PROP 96-04-036
employment disqualification, appeal	EMER	96-01-009	violations and disqualification	PERM 96-07-053
	PROP	96-03-105		PREP 96-14-054
	PROP	96-05-061	Income assistance	PROP 96-03-095
	EMER	96-05-067	allocation of income	PERM 96-06-042
	EMER	96-05-068		PROP 96-07-014
	PERM	96-10-043		EMER 96-09-075
	EMER	96-10-054	need standards	PERM 96-10-031
	PROP	96-14-027	special assistance	<b>PREP 96-15-086</b>
licensing			standards of assistance	PREP 96-07-041
family child day care homes	PROP	96-07-010		EMER 96-02-043
fire safety	PERM	96-10-042	telephone assistance	PROP 96-07-008
	PROP	96-07-010	Job opportunities and basic skills program (JOBS)	EMER 96-10-030
licensing	PERM	96-10-042	Juvenile rehabilitation administration	PERM 96-10-044
	PREP	96-12-010	basic training camp program	PERM 96-01-017
Child protective services			collection of costs of support, treatment, and confinement	PREP 96-11-047
investigation notification	PREP	96-09-076	security standards	PREP 96-10-058
Child support, division of				<b>PREP 96-15-081</b>
hearing process	PROP	96-06-039		PREP 96-02-041
	PERM	96-09-036		PROP 96-14-056
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	PERM	96-09-036		
Children with disabilities			Long-term care	
early intervention programs	PREP	96-12-015	eligibility	EMER 96-14-036
			receipt of person's assets, penalties	PREP 96-04-024



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	MISC	96-11-098		MISC	96-07-018
	MISC	96-14-029		MISC	96-07-068
<b>TRANSPORTATION IMPROVEMENT BOARD</b>				MISC	96-13-088
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	MISC	96-03-023		MISC	96-15-027
	MISC	96-07-003		MISC	96-15-060
	MISC	96-09-022	Student conduct code	MISC	96-15-133
	MISC	96-11-030		PROP	96-03-091
	MISC	96-13-025		PERM	96-10-051
	MISC	96-15-012			
Transit agencies, funding	PROP	96-01-100	<b>UTILITIES AND TRANSPORTATION COMMISSION</b>		
	PERM	96-04-015	Administrative procedure	PERM	96-02-083
			Gas utilities		
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